REPORTS

ON

CIVIL JUSTICE IN BURMA

FOR

THE YEAR 1892.

BY ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED

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RANGOON:

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1893.

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PROVINCIAL SECRETARIAT LIBRARY

RESOLUTION

ON

THE REPORTS ON CIVIL JUSTICE IN BURMA

FOR

THE YEAR 1892.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 2D.-5, dated the 15th September 1893.

READ—

Reports by the Judges of the Special Court, the Recorder of Rangoon, and the Judicial Commissioners, Upper and Lower Burma, on the Administration of Civil Justice in their respective jurisdictions during the year 1892.

LOWER BURMA.

Amount and classification of litigation.

RESOLUTION.—The year 1892 exhibits an increase of civil litigation which was distributed over the whole province. The number of suits instituted rose from 36,214 to 41,929. The bulk of the increase was contributed by the Township Courts (which are now shown as such in Statement No. 7 and not, as formerly, inaccurately called Village Courts). In those Courts the number of institutions was 28,967 against 23,351. The increase was most marked in the Sandoway, Hanthawaddy, Tharrawaddy, Prome, Henzada, Thôngwa, and Shwegyin districts. The largest proportionate increase was in suits for immoveable property. Various causes are assigned, but the increase appears to be mainly due to the high price of paddy in the dry season of 1892 and the consequent enhanced value of land. In the Rangoon Small Cause Court the number of regular suits rose from 5,395 to 5,789, the largest absolute increase being in suits on written contract, but the largest proportionate increase in suits on unwritten contracts. The decrease in the Recorder's Court is said to be due to a large number of cases between Rs. 1,000 and Rs. 2,000 in value having been instituted in the Small Cause Court. The jurisdiction of the Small Cause Court was enlarged in 1889 and the number of original cases instituted in the Recorder's Court would, but for that change, have risen from 276 in 1888 to 325 in 1892. This, however, does not explain why the institutions of 1892 fell below those of 1891. The decrease of 25 is probably of no special importance. The value of suits instituted decreased from Rs. 61,65,598 to Rs. 53,07,003, but the total is deceptive. There was a suit valued at Rs. 18,40,000 in the Moulmein Town Court in 1891 and therefore that Court shows a decrease in 1892. There was also a decrease of over two lakhs in the Recorder's Court. But the remaining districts of Lower Burma, with a few trifling exceptions, exhibit an increase, to which the Thôngwa district contributed more than two lakhs and the Prome district more than one lakh.

Disposal of business.

2. Out of 41,625 cases disposed of 14,508, or 34·9 per cent., were contested and 9,842 of these contested cases were won by plaintiffs. Plaintiffs were proportionately less successful than in the previous year, a result which confirms the theory that

the increase of litigation was due to some extent to the raising of unfounded claims to land. The Courts were unable to keep pace with the increase of business and 1,900 cases were pending at the close of the year as compared with 1,421 in the previous year. The duration of cases was somewhat longer than in the previous year. In Rangoon the average duration of contested cases was 27 days and of uncontested cases 27 days, as compared with 25 and 30 days respectively in the preceding year. In the Courts in the interior the general average was 25 days for contested and 16 days for uncontested cases. The protracted duration in the disposal of cases was common to almost every Court. The number of cases pending for over three months also increased from 70 to 151 in the Courts outside Rangoon. In Moulmein Town, however, the average duration of contested cases decreased from 79 to 45 on the superior side of the Judge's Court and from 20 to 18 on the Small Cause side. On the whole the average duration of cases is not excessive and the chief reason for its increase appears to be, as stated by the Judicial Commissioner, the general increase of executive and revenue work. In Rangoon Town the Small Cause Court increased its pending file from 371 to 476 and the duration of contested cases averaged 27·10 days, being 2·35 more than in 1891. In the Recorder's Court the average duration increased considerably, namely, from 134 to 226 days; and the Officiating Chief Commissioner would have been glad to have the increase explained in the report. On the other hand the number of cases pending for over three months was reduced from seven to five. The Judicial Commissioner is requested to submit separately such recommendations as he may have to make regarding the location of the special Myoôk for Minhla, Tapun, and Gyobingauk. The increase of official buisness in the Thôngwa district has attracted the Chief Commissioner's attention, and proposals for dividing the district are under consideration.

Execution of decrees.

3. The number of applications for execution of decrees reached the total of 13,926 or 2,329 more than in the previous year. The number pending at the close of the year was 928 against 717 in 1891. In 6,558 cases, or nearly 50 per cent., satisfaction was obtained in whole or in part through the Courts, the amount recovered being Rs. 6,51,360. Of the applications 5,922 proved infructuous. This number is slightly lower in proportion than in the previous year. Processes for imprisonment were issued in 625 cases as compared with 592 in 1891, and the number of persons actually imprisoned rose from 163 to 214. The Officiating Chief Commissioner will be glad to know the reasons for the increase in imprisonments in the Tharrawaddy and Shwegyin districts.

Appeals.

4. The number of regular appeals during the year was 2,118 as compared with 1,634 in 1891; appeals to Deputy Commissioners rose from 1,250 to 1,582, and the increase was common to every district except Kyaukpyu, Thayetmyo, and Mergui. The additional business was disposed of with reasonable promptitude; the average duration only rose from 27 to 31 days and at the close of the year only two appeals remained which had been pending over three months. The continued employment of an additional Sessions Judge for the Pegu and Irrawaddy divisions enabled the Commissioners of those divisions to dispose of their appellate work more quickly. The number of regular appeals in the Court of the Judicial

Commissioner, namely, 231, was much in excess of any previous year. The percentage of confirmations was, however, only 51 as compared with 66 in the preceding year. This result is not creditable to the Lower Appellate Courts, and the Officiating Chief Commissioner invites their attention to the remarks of the Judicial Commissioner contained in paragraph 16 of his report. Complaints which have reached the local Government regarding the delay in disposing of appeals from the Recorder appear to have some foundation. Out of seven appeals which were pending at the end of 1891 three remained pending at the end of 1892, while none of the appeals filed during 1892 had been heard before the close of that year.

Cost of litigation

5. The total costs in original suits amounted to Rs. 6,73,547 or 12·57 per cent. of the total value of the suits. In the previous year the proportion of costs to value of suits was 9·42 per cent. The average cost varied from 7·33 per cent. in Salween to 24·44 in Kyaukpyu. The Officiating Chief Commissioner requests that the Deputy Commissioners of Kyaukpyu and Sandoway may be called on to explain the high percentage of costs in their districts. The percentage is also high in appeals and execution cases. The cost of executions was almost the same in both years, but the cost of appeals was more than double what it was in 1891. The number of processes issued in Courts outside of Rangoon increased from 112,483 to 142,332. The fees increased by Rs. 9,848, but the charges, owing to reductions effected in process-serving establishments during the year, diminished from Rs. 40,292 to Rs. 38,436. The result of the amalgamation of the revenue and judicial process-serving establishments is therefore so far satisfactory.

Inspections.

6. Much valuable work in the inspection and supervision of Subordinate Courts was effected during the year. The Judicial Commissioner mentions Bassein, Prome, Akyab, Tharrawaddy, and Amherst as the districts in which the work of supervision was most effectively carried out. The Deputy Commissioner of Amherst did not visit all the Courts in his district, but in such Courts as he did inspect his notes appear to have been beneficial. It is no doubt a fact that the Deputy Commissioner of Amherst has an abnormally large number of Courts to inspect and has also much work at his headquarters. The Officiating Chief Commissioner is satisfied with the inspection work done by him in 1892, but arrangements should be made to prevent any one Court in that district from going uninspected for two years in succession.

7. Mr. Fulton, who succeeded to the appointment of Judicial Commissioner on the 15th May 1891, held office till the 4th November 1892 and has now left the province. During his term of office Mr. Fulton, by frequent and diligent inspections, greatly improved the Subordinate Courts, and the circulars and rulings of himself and his predecessors were collected, arranged, and published in a convenient form.

UPPER BURMA.

Amount and classification of litigation.

8. The number of suits instituted in the Courts of Upper Burma continues to increase and for 1892 stood at 10,566. The business of the Mandalay Town Court, however, again declined, though not to a large extent.

Suits for land increased from 1,570 to 1,741 and were most numerous, as in 1891, in the drier districts Land is said to be increasing in value and disputes regarding ownership arise between former and present occupiers. The same occurred in Lower Burma when the delta of the Irrawaddy began to be opened up to supply the rice export trade. The total value of suits increased from Rs. 10,87,630 to Rs. 11,39,238. There was no diminution in the number of petty cases of value not exceeding Rs. 20. The clear intention of the law is that the people shall not be forced to resort to the village headmen, even when empowered under section 8A of the Village Regulation; if therefore the people prefer the regular courts, those tribunals must deal with their cases. The Officiating Chief Commissioner trusts, however, that people are not discouraged from having their cases settled by the headmen. The average value of suits fell from Rs. 115 to Rs. 108.

Disposal of business.

9. The average duration of cases was 20 days for contested and 14 days for uncontested cases. The number of cases pending at the close of 1892 for over three months was 28 against 34 in the previous year. The Officiating Chief Commissioner concurs in the view that a slight addition to the time taken in disposing of uncontested cases is not unwelcome if it is a sign that the Courts take more trouble to ascertain that summons has been served on the defendant. The plaintiffs succeeded in 2,862 and the defendants in 1,454 of the contested cases, but plaintiffs gained also 2,706 cases on confession or *ex parte*. The Judicial Commissioner explains at some length why direct references to arbitration are not encouraged by the Courts. Mr. Fryer admits that good grounds are shown for not forcing suitors to refer to arbitration, but he wishes to know the experience of the Deputy Commissioner, Yamèthin, in whose district for three years running a large number of cases have been referred to arbitration.

Execution of decrees.

10. Applications for execution increased from 1,832 to 2,263; full satisfaction was got in 1,189 cases and partial satisfaction in 455. These results give good ground for satisfaction. In Mandalay Town eleven men were imprisoned and the Town Judge suggests that women also should be liable to imprisonment because it is chiefly women who carry on petty trade. The same argument was brought forward in Rangoon before the passing of Act VI of 1888, and the answer now as then is that no one is obliged to give credit to a woman and that in the long run women are the better for not raising money or getting credit if the only security they can offer is their fear of imprisonment.

Appeals.

11. Appeals to Deputy Commissioners diminished from 585 to 567, but there were also 420 applications for revision. The average duration was 28 days for appeals and 31 days for revisions. Mr. Fryer requests that the Deputy Commissioner, Yamèthin, may be asked to explain the long duration of the appeals and revision cases heard by him. In the Judicial Commissioner's Court, where there were 38 appeals, the decisions of Subordinate Courts fared somewhat worse than in the previous year, as only 18 were confirmed. There were also 267 revision cases, in 152 of which the Lower Court's order was approved. The Officiating Chief Commissioner hopes that the revision system will shortly be replaced by a good system of second appeals.

Cost of litigation.

12. In original cases Yamèthin district with 18·23 showed the highest percentage of costs, while Katha with 9·22 showed the lowest. The general average has risen from 11 25 to 12·66. The deficit on the process-serving establishment was less than in 1891, and the Officiating Chief Commissioner trusts that it will now disappear, as regular establishments have been sanctioned for serving processes of all kinds. Mr. Fryer takes this opportunity of thanking the Judicial Commissioner for the care which he bestowed on this matter.

Miscellaneous.

13. The Officiating Chief Commissioner has read with interest and pleasure the statement of inspections performed by the Judicial Commissioner himself and by other officers. The Officiating Chief Commissioner considers, however, that every Deputy Commissioner, with the possible exception of the Deputy Commissioner, Mandalay, should find time to inspect every Subdivisional and Township Court in his district at least once a year. Mr. Fryer notes with satisfaction that many of the Myoôks who are natives of Upper Burma are steadily improving in law and procedure. This improvement will be of great assistance to the Administration in so far as it enables the Chief Commissioner to reduce the number of Lower Burma Myoôks serving in Upper Burma. The names of the officers who are favourably mentioned by the Judicial Commissioner will be noted in the Appointment Department.

Mr. Burgess was Judicial Commissioner throughout the year, and the Chief Commissioner's acknowledgments are due to him for his able administration.

By order of the Chief Commissioner,

F. C. GATES,

Secretary.

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THE

CIVIL JUSTICE REPORT

OF

LOWER BURMA

FOR

The year 1892.

PART I.

Courts exercising jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA (CIVIL).

DURING the year 1892 there were 8 regular appeals preferred from the decisions of the Court of the Judge of the Town of Moulmein as against 9 in the previous year; 5 were pending at the close of the year 1891, making in all 13 appeals for disposal Of these, 8 were disposed of and 5 were pending at the close of the year under review.

2. The following table shows the result of the regular appeals :—

Year	Number of appeals pending at the close of the previous year.	Number of appeals presented during the year 1892.	Total for disposal.	Result					
				Confirmed.	Dismissed.	Modified	Reversed.	Remanded.	Pending.
1892 ...	5	8	13	...	5	1	2	...	5

3. There were 7 miscellaneous appeals, of which 3 were from orders passed by the Court of the Judge of Moulmein and 4 from orders of the Recorder in insolvency matters, and all these were disposed of during the year also with the one that was pending at the close of the previous year. In one of these appeals from orders of the Recorder in his insolvency jurisdiction, in which the insolvent (appellant) was ordered to be imprisoned rigorously for two years under section 50 of the Indian Insolvency Act, the Judges differed in opinion as to whether the appeal should be treated as a civil or a criminal one, and the matter was referred to the High Court on the following points :—

(*a*) Whether the appeal comes under clause (*b*) or clause (*c*) of section 69 of the Lower Burma Courts Act.

(*b*) If it should be held to come under clause (*c*), whether the order of the Recorder was right.

The High Court held that it was a criminal case within the meaning of section 69 of the Lower Burma Courts Act, and that the Recorder's order convicting the insolvent was wrong.

4 During the year under review an appeal from the decision of the Special Court was preferred to the Privy Council.

5. Besides the above there were 3 cases sent up to this Court (2 by the Recorder of Rangoon and 1 by the Commissioner of Pegu) under section 17 of the Indian Divorce Act for confirmation of decree *nisi*. In 1 case the decree was made absolute and the other 2 remained pending at the close of the year, and there were 2 references by the Recorder and 2 by the Judicial Commissioner under section 67 of the Lower Burma Courts Act. These 4 references and 2 which were pending at the close of the year 1891 were disposed of during the year.

6. The revenue of the Court during the year from court-fee stamps amounted to Rs. 1,827 and the expenditure to Rs. 1,350. In the previous year the revenue was Rs. 2,696-15-0 and the expenditure Rs. 1,200.

7. The Judges of the Special Court from 1st January to 3rd November 1892 were Mr. W. F. Agnew and Mr. E. M. H. Fulton, and from 4th November to 31st December 1892 were Mr. W. F. Agnew and Mr. E. Hosking.

RANGOON:
The 10th April 1893.

W. F. AGNEW,
E. HOSKING,
Judges.

Report on the Administration of Civil Justice in the Court of the Recorder and in the Court of Small Causes, Rangoon, for the year 1892.

COURT OF THE RECORDER OF RANGOON.

THE following tables show the work of the year and the fees realized in comparison with the previous year :—

Year.	Number of suits instituted.							Number of suits disposed of.							Number of suits pending.							Value of suits instituted.	Value of suits disposed of.
	Regular.	New trial.	Review.	Vice-Admiralty.	Insolvency.	Miscellaneous and executions.	Total.	Regular.	New trial.	Review.	Vice-Admiralty.	Insolvency.	Miscellaneous and executions.	Total.	Regular.	New trial.	Review.	Vice-Admiralty.	Insolvency.	Miscellaneous and executions.	Total.		
																						Rs.	Rs.
1891 ...	217	...	1	1	38	519	776	181	...	1	..	40	530	752	90	...	...	1	10	22	123	7,23,806	4,20,009
1892 ...	192	1	...	3	34	*441	671	183	1	...	4	32	446	666	90	...	...	...	12	17	128	5,04,644	6,95,459
Increase ...	...	1	...	2	...	...	...	2	1	...	4	...	...	...	0	...	...	...	2	...	5	...	2,65,450
Decrease ...	25	...	1	...	4	78	105	...	...	1	...	8	84	86	...	...	...	1	...	5	...	2,19,162	...

* This includes 58 petitions for probate and letters-of-administration, 72 applications for revisions of the Small Cause Court decisions, 2 references from the Small Cause Court, one reference by the Collector under Act X of 1870, 1 petition under Act VII of 1889, 12 under Act VIII of 1890, 1 under the Trustees and Mortgagees Act of 1866, 1 under Act XXXV of 1858, and 111 interlocutory applications (including applications for removal of attachment, for the appointment of receiver, for injunctions for new trials, for review of judgment, &c.), and 182 applications for execution of decrees. Of these 114 were of this Court and 68 received by transfer from other Courts.

Statement of Court-fees realized.

Year.	Process-fees.	Amount realized under Act VII of 1870, Schedule I, Articles 1—9 inclusive.	Amount realized under the sam Sechedule, Nos. 10—12.	Amount realized under Schedule II.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1891	3,779 4 0	27,015 12 0	20,058 0 0	1,508 15 0	52,361 15 0
1892	3,627 8 0	31,678 9 0	47,331 0 0	1,457 4 0	84,094 5 0
Increase ...	...	4,662 13 0	27,273 0 0	...	31,732 6 0
Decrease ...	151 12 0	...	...	51 11 0	...

2. The result shows a decrease in the institution of 25 regular suits, 1 review, 4 insolvency, and 78 miscellaneous and execution cases as compared with the previous year. The decrease in the institution of regular suits is attributable to the increase in the number of cases between Rs. 1,000 and Rs. 2,000 in value instituted in the Small Cause Court. The marginal statement shows the number of these institutions since the jurisdiction of that Court was extended to Rs. 2,000. There is a decrease in the value of suits instituted by Rs. 2,19,162. The value of suits disposed of increased. There is an increase in the court-fee stamps by Rs. 31,732-6-0.

Statement showing the number of civil regular cases instituted for the past five years, namely, from 1888 to 1892.

	Recorder's Court.	Small Cause Court under the extended jurisdiction.
1888	... 276	...
1889	... 266	38 (half year).
1890	... 168	87
1891	... 217	80
1892	... 192	133

3. Out of 182 applications for execution of decrees filed in this Court, 9 were transferred to other Courts, 100 resulted in whole or partial satisfaction, 67 were wholly infructuous, and 6 remained pending at the close of the year.

4. The following table shows the particulars of the insolvency business:—

Number of persons whose applications were pending at the close of 1891.	Number of petitions filed during 1892.	Number of persons.	Total number of persons.	Personal discharge granted.	Final discharge granted.	Adjudicated insolvents.	Dismissed.	Withdrawn or annulled.	Struck off in default.	Pending.
12	34	40	52	15	7	1	10	2	1	16

As a Colonial Court of Admiralty Jurisdiction.

5. There were 3 suits instituted in this Court of the value of Rs. 30,941, and they were disposed of in the year under review.

6. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates:—

Class		Number of probates granted.	Number of letters-of-administration granted.	Value of estates
				Rs
Europeans and Eurasians		13	8	19,12,858
Buddhists	Burmese	...	4	1,66,000
	Chinese	3	6	
Mahomedans		1	14	2,50,200
Hindus		...	6	28,200
Jews		...	..	...
	Total	17	38	23,57,258

In the previous year 16 probates and 39 letters-of-administration were granted. The value of the estates amounted to Rs. 10,15,555.

7. There were 72 applications made to this Court for revision of the judgments and orders passed by the Small Cause Court, Rangoon. In 7 cases judgments were set aside, 8 were remanded, in 38 cases the applications were dismissed, 1 compromised, 15 rejected, 1 modified, and 2 remained pending at the close of the year.

8. There were 2 references made to this Court by the Small Cause Court; 1 was disposed of and 1 remained pending at the close of the year.

9. There were 4 references made by this Court to the Special Court; 2 under section 17 of the Indian Divorce Act of 1869 for confirmation of decrees *nisi*, and 2 under section 67 of the Burma Courts Act, XI of 1889.

10. During the year there were 8 appeals preferred to the High Court, Calcutta, from the decision of the Recorder, and 1 appeal to the Privy Council, and all these appeals were still pending at the close of the year.

11. Of the 7 appeals to the High Court, Calcutta, which were pending at the end of 1891, 4 were disposed of by that Court during the year under review; in 2 cases the judgments and decrees of this Court were confirmed, 1 withdrawn, and in the other the judgment and decree was reversed, and 3 remained pending.

12. The following is a statement of receipts and expenditure for the year 1892:—

Receipts.	Amount.	Expenditure.	Amount.
	Rs. A. P.		Rs. A. P.
Amount realized by court-fee stamps.	84,094 5 0	Recorder	34,560 0 0
		Registrar	8,880 9 9
		Clerks	19,015 13 4
Sale of unserviceable furniture ...	0 5 0	Servants	960 0 0
		Contingencies	2,530 13 0
Copying fees	2,019 0 0	*Process-serving Establishment.*	
Commission on sales of mortgaged property.	1,022 12 0	One-third share of Bailiff's pay, &c., debited to this Court and the remainder to the Small Cause Court.	2,287 0 2
Fines and penalty	55 8 0		
			68,234 10 3
		Balance of receipts over expenditure.	18,957 3 9
Total ...	87,191 14 0	Total ...	87,191 14 0

13. The following table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Recorder's and Small Cause Courts:—

District.	Number of processes issued.	Receipts from process fees.	Charges including salaries of process-servers.
		Rs. A. P.	Rs. A. P.
Recorder's Court, Rangoon	(a)2,341	(b)3,627 8 0	1,614 0 0
Small Cause Court, Rangoon	21,671	10,529 6 0	
Total ...	24,012	14,156 14 0	1,614 0 0

(a) Of these 51 were criminal processes including 64 processes sent to other Courts for service.
(b) This includes Rs. 34 for criminal processes.

INSOLVENCY JURISDICTION, MOULMEIN.

14. The Officiating Judge of the Court of Moulmein reports the number of applications for relief decreased from 23 in the previous year to 12. The results of the applications are given in the following table:—

Number of persons whose applications were pending at the close of 1891.	Number of petitions filed during the year.	Number of persons.	Total number of persons.	Personal discharge granted.	Final discharge granted.	Dismissed.	Rejected.	Withdrawn or annulled.	Struck off in default.	Pending.	Remarks.
18	12	18	31	0	1	4	...	6	1	10*	*Of the 10 cases pending, 9 are pending *sine die*.

15. With the decrease of applications for relief there was also a falling off of miscellaneous applications from 64 in 1891 to 15.

There were no appeals from orders of that Court during the year.

THE COURT OF SMALL CAUSES OF RANGOON.

16. The number of suits instituted and decided in the Rangoon Court of Small Causes during the years 1891 and 1892, also the number pending at the close of these years, is shown below :—

	Instituted.	Decided.	Pending
Regular suits.			
1891	5,895	5,456	871
1892	5,789	5,768	476
Miscellaneous suits.			
1891	1,719	1,724	88
1892	1,771	1,737	71
Applications for execution.			
1891	2,528	2,273	127
1892	2,922	2,618	154

17. Details of the value of suits instituted in 1891 and 1892 are given below :—

	1891.	1892.
Up to Rs. 10	586	556
" 50	2,482	2,531
" 100	939	962
" 500	1,160	1,380
" 1,000	148	227
" 2,000	80	133
Total ...	5,895	5,789

The figures given show that there has been a marked increase of institution in suits of more value than Rs. 500 and Rs. 1,000 respectively.

18. The total amount of litigation was Rs. 8,07,050-8-4 as compared with Rs. 6,15,335-6-0 in the previous year, showing an increase of litigation over the previous year of Rs. 1,91,715-2-4. Of the suits disposed of in 1892 870 were dismissed for default, or for want of prosecution, or were withdrawn with leave, 3,613 were decided without contest in the manner shown in the margin, and 1,255 were decided after contest.

Compromised	887
Decreed on confession	626
Decreed *ex parte*	2,571
Dismissed *ex parte*	59
Total ...	3,613

19. The annexed table shows the mode in which cases have been disposed of during the last four years :—

Year.	Compromised	Struck off.	*Ex parte*	Confession.	Contested.	Total.
1889	810	651	2,009	577	1,332	4,879
1890	804	802	2,004	570	1,290	4,970
1891	849	882	2,252	711	1,312	5,456
1892	887	920	2,571	626	1,255	5,768

From the table it will be seen that while there is a steady increase in the institution of suits from year to year, there has been a falling off during the past year of contested claims and an increase in *ex-parte* decrees.

20. Out of 3,049 applications for execution of decrees 2,895 were determined and 154 remained pending at the close of the year. The number of such applications filed in 1891 was 2,665, and the number determined was 2,538.

fO the applications disposed of in 1892 1,202 resulted in whole or partial satisfaction of decrees.

21. The Judge disposed of 2,647 regular and 1,394 miscellaneous suits and 1,433 applications for execution, making a total of 5,474. Of the regular cases 540 were contested suits with an average duration of 35·4 days, and 2,107 were uncontested, the average duration being 33·68.

22. The additional Judge disposed of 3,121 regular cases and 343 miscellaneous applications and 1,180 applications for execution, making a total of 4,644. Of the regular cases 715 were contested and 2,406 were uncontested, the average duration being 20 83 and 20·8 respectively.

23. The value of court-fee stamps used was Rs. 76,082-5-0. The value in 1891 was Rs. 59,415-2-0, showing an increase on the previous year of Rs. 16,667-3-0.

24. The following is a statement of receipts and expenditure for the year 1892:—

Receipts.	Amount.			Expenditure	Amount.		
	Rs.	A.	P.		Rs	A	P.
Amount realized by stamps on institution	65,552	15	0	Judge's pay	9,423	14	6
Tullabana fund collected in stamps	10,529	6	0	Additional Judge's pay ...	6,157	15	8
Stamp penalty levied on insufficiently stamped documents.	158	0	0	Establishment	15,618	14	4
Sale of empty stationery cases ..	0	8	0	Contingencies .	428	4	6
Fines	5	0	0	Two-thirds share of Bailiff's, Assistant Bailiff's, and two Clerks' pay, and the pay of one 1st grade and eight 2nd grade peons of the Bailiff's establishment debited to this Court by direction of the Recorder.	4,574	12	4
					36,203	12	11
				Balance of receipts over expenditure.	40,036	11	1
Total ..	76,240	8	0	Total ...	76,240	8	0

25. Mr. Chan Toon took over charge of the Court and office of the Court of Small Causes, Rangoon, from Mr. Bigge on the afternoon of the 19th day of February 1892, and officiated for the remainder of the year.

26. The Additional Judge, Maung Bah Wah, was absent on privilege leave from the 20th April to the 19th July, and the Officiating Judge, Mr. Chan Toon, in addition to his own duties, performed those of the Additional Judge during his absence till the 2nd June, when Maung Paw Tun was appointed to officiate for Maung Bah Wah.

RANGOON:
The 11th April 1893.

W. F. AGNEW,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From E. HOSKING, Esq., Judicial Commissioner, Lower Burma, to the Junior Secretary to the Chief Commissioner, Burma,—No. 115-36, dated the 17th May 1893.

I HAVE the honour to submit the civil justice statements for the year 1892 for Lower Burma, including those for the Special Court and the Town of Rangoon. The report, as usual, deals only with the figures relating to the Court of the Judicial Commissioner and of Courts subordinate thereto.

I.—ORIGINAL JURISDICTION.

2. The total number of suits instituted in the Subordinate Courts during the past ten years is shown in the subjoined table:—

Year.	Number of suits instituted.	Year.	Number of suits instituted.
1883	28,906	1888	30,123
1884	30,148	1889	32,794
1885	27,961	1890	30,642
1886	27,286	1891	30,602
1887	27,456	1892	35,945

There has been a marked increase in all four divisions in the number of suits instituted.

3. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year as compared with similar results for the preceding year:—

Division.	Name of district.	Instituted.*		Disposed of.		Pending at close of year.			
						Above four months.		Total pending.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
ARAKAN.	Akyab	1,136	1,295	1,129	1,297	9	1	46	79
	Do. Small Causes	610	665	599	671	.		31	3
	Kyaukpyu	658	648	661	632	1	2	28	45
	Sandoway	349	514	341	510	2	8	10	20
	Northern Arakan	97	82	95	88	...	...	8	2
	Total	2,850	3,204	2,825	3,198	12	11	123	149
PEGU.	Hanthawaddy	1,602	2,052	1,606	2,059	...	6	36	50
	Pegu	2,375	2,551	2,404	2,472		50	62	152
	Do. Small Causes	67	...	69	..	...	..	...	..
	Tharrawaddy	1,960	2,654	1,996	2,596	...	10	56	122
	Do. Small Causes	159	...	158	3	...	...	3	...
	Prome	1,649	1,883	1,649	1,857	...	...	54	81
	Do. Small Causes	418	638	415	628	...	...	4	4
	Total	8,244	9,768	8,201	9,608	...	72	215	419
IRRAWADDY.	Henzada	2,447	3,432	2,490	3,368	3	2	58	123
	Do. Small Causes	106	120	114	120	...	...	...	...
	Bassein	2,618	2,839	2,671	2,848	...	1	56	47
	Do. Small Causes	377	365	372	367	...	...	5	1
	Thôngwa	4,073	5,384	4,122	5,362	12	1	124	146
	Do. Small Causes	398	115	403	114	...	...	.	1
	Thayetmyo	1,457	1,501	1,415	1,534	1	3	104	83
	Do. Small Causes	34	53	34	52	.	...	.	...
	Total	11,510	13,809	11,621	13,765	16	7	347	401
TENASSERIM.	Amherst	2,000	2,132	2,020	2,120	...	14	63	75
	Do. Small Causes	58	217	36	214	...		...	3
	Shwegyin	1,641	1,948	1,534	1,915	3	9	86	104
	Do. Small Causes	225	380	226	354	...	...		25
	Toungoo	617	969	608	975	..	4	23	17
	Do. Small Causes	240	120	248	128	...	...	...	1
	Tavoy	573	646	573	632	...	...	14	8
	Mergui	497	563	522	534	7	.	9	38
	Salween	71	90	71	91	...	...	1	...
	Moulmein Judge's Court	171	125	173	203	7	3	18	15
	Do. Small Cause Side	1,896	1,889	1,944	1,913	21	31	60	70
	Total	7,998	9,164	7,955	9,090	38	61	274	356
	GRAND TOTAL	30,602	35,945	30,602	35,670	66	151	959	1,325
	Increase	...	5,343	...	4,978	...	85	...	366
	Decrease	...	...	...	...	..	...	...	..

* Excluding cases pending from previous year and cases received by transfer.

Only two districts, Kyaukpyu and Northern Arakan, show a decrease, which is very slight, in the number of suits instituted. All other districts show an increase, which is most marked in Sandoway, Hanthawaddy, Tharrawaddy, Prome, Henzada, Thôngwa and Shwegyin. The increase in litigation is, with very few exceptions, common to every Subordinate Court. Thôngwa, as in the preceding year, heads the list in the number of suits filed in its Courts, a number which is remarkable as being about double that of any other district in Lower Burma.

4. The Deputy Commissioners attribute the increase in litigation to various causes; the Deputy Commissioner, Sandoway, to the profound peace prevailing and to improved trade; the Deputy Commissioner, Prome, to bad seasons and the anxiety of people to recover their debts, and to heavy losses in the rice trade in consequence of the people buying at high prices and holding out for still higher ones. The Deputy Commissioner, Bassein, traces it to the high prices of paddy prevailing last season, to the evasion or fear of evasion by cultivators of their bargains, and to the rise in the value of paddy land which led to quarrels. The Deputy Commissioner, Shwegyin, accounts the spread of cultivation and especially the rise in the prices of paddy and in the value of land as the chief causes for the increase in his district. It is difficult to account satisfactorily for fluctuations in the amount of litigation. They may be due to the operation of many causes, but certainly one factor in the increase of litigation last year, proportionately more marked in the number of first and second appeals than in the number of original suits, was the higher price of paddy and the consequently enhanced value of land. This led to many former owners of land instituting suits to recover possession of their lands, asserting that transfers which were ostensibly absolute were, in fact, only temporary alienations,—in other words, were mortgages and not sales. Such claims may appear to be suspicious, but there can be no doubt that the practice is common of executing deeds of sale which are intended to take effect merely as mortgages. Both the debtor and the creditor hope to benefit by this deception. The creditor considers he has better security for his loan, and the debtor thinks that his remaining interest in the property will be protected from the claims of other creditors. The great rise in the value of land in some parts of Burma has in some cases induced persons in possession to hold on to the land as owners, though only mortgagees, and in other cases has induced persons who had absolutely sold their lands to falsely claim the lands as having been only mortgaged. The greater value of land has thus become a fruitful source of litigation.

5. The pending file shows an increase of 366 cases, of which 151 are returned as pending over three months, 56 by the Deputy Commissioner of Pegu and 31 by the Judge of Moulmein. The explanation furnished by the Deputy Commissioner of Pegu is that in the number are included 49 suits for ejectment of tenants by a European firm in which commissions to England for the examination of certain managers of the firm as witnesses have been applied for. The Judge of Moulmein's report is that all 31 suits were on the Small Cause side of his Court and were standing over under section 99A of the Code of Civil Procedure. A number of the cases pending are shown as having been instituted at the close of the year. Considering the amount of litigation and the large increase of 4,978 cases disposed of, a pending file of 1,325 is not excessive.

6. The following table shows the character of the original litigation in the different districts and classes of Courts:—

Division.	Name of district.	Number of Suits. On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
ARAKAN.	Akyab	328	241	1	18	105	107	70	140	68	112	10	20	60	1,295
	Do. Small Causes ...	324	61	...	8	90	118	23	32	9	...	...	.	...	665
	Kyaukpyu	110	137	7	14	14	26	23	73	63	78	6	26	31	646
	Sandoway	45	74	2	25	107	17	18	95	58	62	1	7	8	514
	Northern Arakan	...	2	...	13	25	4	..	9	9	5	...	2	13	82
	Total ...	801	535	10	78	361	267	140	349	222	257	17	55	112	3,204
PEGU.	Hanthawaddy	416	363	4	30	545	123	128	184	84	125	...	30	20	2,052
	Pegu	702	471	16	83	369	216	61	264	63	120	...	47	130	2,551
	Do Small Causes	...	..	...	..	..	...	...	..	...	..	...	...	...	...
	Tharrawaddy ...	474	856	2	43	216	100	47	256	401	151	21	51	37	2,554
	Do Small Causes ...	...	...	...	..	..	.	...	..	..		...	...	...	.
	Prome ...	476	258	1	27	314	67	87	118	341	102	.	51	41	1,883
	Do. Small Causes ...	87	146	...	7	165	23	20	116	53	...	...	...	...	628
	Total ...	2,156	2,003	23	190	1,609	529	352	940	942	507	21	179	228	9,768
IRRAWADDY.	Henzada .	332	336	20	783	375	118	64	612	449	225	...	55	34	3,492
	Do. Small Courts ..	31	45	52	.	. .	..	...	...	.		...	.	..	120
	Bassein	422	741	23	79	351	119	123	277	523	162	...	82	67	2,830
	Do. Small Causes ...	129	60	4	20	86	33	11	11	11	..	...	.	.	365
	Thôngwa	1,127	1,443	9	45	1,116	502	174	155	408	277	13	68	48	5,384
	Do. Small Causes ...	36	26	37	16	..	.	..	...		...	.	...	...	115
	Thayetmyo	456	378	6	12	241	28	45	126	104	70	2	10	15	1,591
	Do Small Causes ...	25	10	...	1	7	5	4	1	...	...	...	...	..	53
	Total ...	2,519	3,058	160	956	2,176	805	421	1,182	1,305	734	15	224	164	13,809
TENASSERIM.	Amherst	604	439	9	60	106	180	82	268	59	118	11	34	22	2,132
	Do. Small Causes ...	63	72	...	4	3	44	6	22	3	1	..	...		217
	Shwegyin	303	477	11	122	387	57	110	200	60	165	5	80	16	1,948
	Do. Small Causes ...	32	113	2	14	114	11	25	53	22	...	...	..	...	386
	Toungoo ...	171	56	7	66	275	31	27	218	34	47	.	15	27	960
	Do. Small Causes ..	35	19	2	12	31	12	...	15	3		.	...	...	129
	Tavoy	120	97	...	54	133	50	30	55	38	37	...	15	11	646
	Mergui	221	80	20	56	58	2	36	29	21	10	.	12	15	563
	Salween	23	7	1	2	44	...	1	3	2	2	...	3	2	90
	Moulmein Judge's Court ...	29	1	1	3	1	.	..	6	12	7	5	12	118	195
	Do. Small Cause Side.	883	295	65	58	221	260	80	66	11	..	...	...	10	1,880
	Total ...	2,544	1,590	118	451	1,429	647	402	950	268	387	21	130	221	9,164
	GRAND TOTAL ...	8,049	7,282	311	1,675	5,575	2,248	1,315	3,421	2,707	1,885	74	588	725	25,945
	In 1891	7,229	6,101	199	1,126	4,739	1,906	939	2,721	2,688	1,436	42	556	620	20,602
	Increase ...	820	1,181	112	249	836	342	376	700	109	449	32	32	105	5,343
	Decrease	...	...	...	...	...	...	...	...	...	...	...	...	...	

This table shows that the increase has fallen under every description of suit. The number of suits on written obligation has increased from 7,299 to 8,049, and suits on unwritten obligation from 6,101 to 7,282. Although there are variations in some districts, the proportion which these two classes of suits bear to each other has not changed to any appreciable extent for the whole of the Lower Province. The proportion of suits based on contract continues to bear the usual ratio to the entire litigation. The largest proportionate increase has been in the number of suits for immoveable property or interest therein. The total number of such suits in 1891 was 1,436 and in 1892 the number was 1,885, an increase of 449. In 1890 the number was 1,328 and in 1889 it was 1,413.

7. The table below shows the value of original suits:—

Division.	Name of district.	Number of suits instituted valued at and not exceeding Rs. 10.	Rs. 50.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.	Total value of suits.
											Rs A P
ARAKAN	Akyab ..	49	378	271	226	28	18	2	..	28	1,48,654 0 6
	Do. Small Causes	98	309	114	144	...	.	..	...	...	51,368 11 5
	Kyaukpyu	165	120	90	45	...	..	2		26	34,209 12 2
	Sandoway ...	198	213	64	27	1	1	...	...	10	18,169 14 5
	Northern Arakan	26	26	14	6	.	...			10	3,835 3 9
	Total	636	1,441	551	448	29	19	4	...	74	2,55,738 0 3
PEGU.	Hanthawaddy ...	308	746	415	470	48	28	2	1	40	2,84,338 15 2
	Pegu ...	143	849	573	747	82	50	1	1	116	4,31,990 11 0
	Do Small Causes ...	.	.	..	.	..	..	.	.		...
	Tharrawaddy ..	234	1,387	596	411	20	20	1	...	85	1,96,711 14 5
	Do. Small Causes	..	...	...	...	...	...	..	...		...
	Prome .	281	706	442	344	22	18	4	1	65	2,38,575 14 9
	Do. Small Causes	154	458	11	5	..	...	.	...	..	14,580 4 0
	Total ...	1,120	4,026	2,035	1,977	167	126	8	3	306	11,66,197 11 4
IRRAWADDY.	Henzada ...	521	1,368	714	503	20	14	.	...	63	2,42,367 5 0
	Do Small Causes ...	35	85			...	...	.	..		1,891 12 9
	Bassein	293	1,233	591	586	31	13	1	2	86	2,70,240 10 9
	Do Small Causes	86	204	75	..			.	...	..	13,013 1 11
	Thôngwa ...	481	1,901	1,209	1,512	70	32	1	...	115	6,12,758 14 2
	Do Small Causes	14	90	2	.			...		...	3,609 5 7
	Thayetmyo	359	662	326	210	10	11		..	23	1,00,921 7 1
	Do. Small Causes ...	12	44	10	7	..		...	...	...	2,278 14 11
	Total	1,704	5,859	2,937	2,818	140	70	2	2	287	12,48,455 8 2
TENASSERIM	Amherst	181	828	564	461	43	13	...	..	82	2,15,557 4 6
	Do Small Causes	41	176		...	.		...		.	4,067 5 9
	Shwegyin . .	128	596	561	504	31	9			59	2,25,997 1 3
	Do Small Causes ..	63	315	8	...	..	..			...	10,294 8 7
	Toungoo	110	411	207	199	14	4	1		23	68,778 2 6
	Do Small Causes	15	73	41	...		..	...	...	.	5,548 2 0
	Tavoy .	99	342	114	74	5	5	1	..	. 6	55,781 1 0
	Mergui	73	261	119	94	4	2	..	...	10	44,257 4 3
	Salween ..	20	83	15	16	1	1	.		4	9,080 14 7
	Moulmein Judge's Court ...	.	9	11	52	33	61	7	0	14	5,08,917 11 0
	Do. Small Cause Side	293	851	342	357	46				..	1,50,040 8 0
	Total ...	1,028	3,905	1,982	1,817	176	95	9	9	148	13,24,917 10 5
	GRAND TOTAL	4,483	15,231	7,497	7,060	512	310	23	14	815	39,95,308 14 2
	In 1891	4,432	13,303	6,128	5,406	455	247	12	8	711	48,26,457 8 0
	Increase	51	2,028	1,369	1,654	57	63	11	6	104	
	Decrease	...	...	...	...	.	..	...	.	...	8,31,148 9 10

The total value of suits in 1892 was Rs. 39,95,308-14-2 as against Rs. 48,26,457-8-0 in 1891, showing a net decrease of Rs. 8,31,148-9-10.

The decrease is due to the fact that in 1891 a suit of the exceptional value of Rs. 18,40,000 was instituted in the Moulmein Court. The fluctuations in the various districts are shown in the following table:—

District.	1891.			1892.			Increase in 1892.			Decrease in 1892.		
	Rs.	A.	P.	Rs	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Akyab	1,98,668	10	1	2,00,028	1	11	1,354	7	10	.....		
Kyaukpyu	28,299	5	1	34,209	12	2	5,910	7	1	....		
Sandoway	11,665	4	4	18,169	14	5	6,504	10	1	... .		
Northern Arakan ...	7,215	2	9	3,835	3	9	.....			3,879	15	0
Hanthawaddy ...	1,89,004	12	4	2,84,388	15	2	95,384	2	10	... .		
Pegu ...	3,76,922	8	6	4,31,990	11	0	55,068	2	6	. ...		
Tharrawaddy	1,34,414	9	1	1,96 711	14	5	62,297	5	4	.....		
Prome	1,33,765	0	0	2,53,156	2	9	1,19,391	2	9	.....		
Henzada	1,54,692	4	11	2,40,169	1	9	85,476	12	10	.....		
Bassein	2,65,970	1	9	2,83,262	12	8	17,292	10	11	.....		
Thôngwa	3,95,111	13	7	6,16,428	3	9	2,21,316	6	2	.....		
Thayetmyo	90,939	2	8	1,08,595	6	0	17,656	3	4	.....		
Amherst	1,77,640	10	11	2,20,224	10	3	42,583	15	4	.....		
Shwegyin	1,75 457	13	5	2,36,289	9	10	60,831	12	5	.. ..		
Toungoo	95,733	14	4	94,326	4	6	.. ...			1,407	9	10
Tavoy	32,029	11	1	55,781	1	0	23,751	5	11	.....		
Mergui	31,992	5	0	44,257	4	3	12,264	15	3	.....		
Salween	11,256	11	2	9,080	14	7	.....			2,175	12	7
Moulmein Town ...	23,15,677	11	0	6,64,957	14	0	.....			16,50,719	13	0
Total ...	48,26,457	8	0	39,95,308	14	2	... ..			.....		
Net decrease	...			...			...			8,31,148	9	10

8. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division.	Name of district	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	Contested cases. Judgment for plaintiff in whole or in part.	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Arakan.	Akyab	1,376	...	24	253	23	118	147	249	12	330	137	1,297	79	4
	Do. Small Causes	674	...	4	154	66	27	81	310	10	96	24	671	3	...
	Kyaukpyu .	677	...	4	129	10	65	79	40	2	173	121	629	45	...
	Sandoway	590	...	1	103	9	51	88	68	2	123	65	510	20	...
	Northern Arakan ...	90	...	...	12	25	...	11	2	1	20	8	88	2	...
	Total ...	3,347	...	33	651	133	261	406	578	27	751	354	3,198	149	4
Pegu.	Hanthawaddy	2,102	...	8	598	77	32	334	460	7	373	153	2,052	50	9
	Pegu	2,624	...	8	658	70	135	419	308	45	598	242	2,472	152	4
	Do. Small Causes ..	..	.		...	...		..		...	...	...	..		...
	Tharrawaddy	2,728	...	0	740	29	69	374	252	14	741	374	2,596	132	3
	Do. Small Causes .	3	...	...	...	1	...	...	1	...	1	...	3	...	...
	Prome	1,938	..	..	428	54	44	298		6	560	262	1,857	81	...
	Do. Small Causes ...	692	...	..	162	1	10	79	205	4	269	57	629	4	...
									46						
	Total ...	10,027	..	12	2,586	226	290	1,504	1,278	76	2,592	1,088	9,608	419	16
Irrawaddy.	Henzada ...	3,401	...	...	1,033	39	176	449	345	5	875	450	3,368	123	2
	Do. Small Causes ...	120	...	...	33	...	38	14	6	...	21	8	120	...	...
	Bassein . ..	2,825	...	1	747	18	104	280	506	14	743	430	2,848	47	4
	Do. Small Causes ...	308	...	.	77	2	16	85	59	...	90	38	357	1	...
	Thongwa	5,508	...	1	1,206	58	100	760	708	17	1,020	508	5,302	146	136
	Do. Small Causes ...	115	...	...	36	1	1	20	28	...	15	12	114	1	1
	Thayetmyo	1,617	...	...	397	34	139	273	197	24	298	189	1,534	83	43
	Do. Small Causes ...	52	...	...	3	1	1	31	3	...	4	6	52	...	3
	Total	14,166	...	2	4,162	137	614	1,918	1,942	60	3,075	1,636	13,765	401	189
Tenasserim.	Amherst	2,193	..	7	182	63	96	204	311	253	640	325	2,120	73	
	Do. Small Causes ...	217	..	...	10	8	8	23	54	37	40	34	214	3	...
	Shwegyin	2,019	..	8	304	25	123	420	172	11	530	224	1,915	104	23
	Do. Small Causes ...	379	...	3	98	2	42	57	26	3	96	27	354	25	...
	Toungoo .	992	...	...	150	8	32	330	93	16	248	79	975	17	...
	Do. Small Causes ...	129	...	1	36	2	2	27	12	...	30	9	128	1	...
	Tavoy	660	...	..	80	11	9	145	45	18	226	118	652	8	...
	Mergui	572	..	1	8	11	10	110	135	65	140	50	534	38	...
	Salween	91	...	...	5	6		30	12	1	27	10	91	...	...
	Moulmein Judge's Court ..	218	...	1	3	2	14	82	29	1	80	28	203	15	4
	Do. Small Cause Side .	1,983	...	...	304	8	96	200	587	4	512	202	1,913	70	2
	Total ...	9,453		21	1,193	145	432	1,683	1,476	402	2,566	1,115	9,099	356	29
	Grand Total ...	30,993	..	68	8,592	641	1,627	5,511	5,274	572	8,954	4,193	35,670	1,325	238
	In 1891	31,733	57	71	7,242	579	1,560	4,193	4,739	457	8,000	3,484	30,602	959	277

The percentage of contested cases to the total disposed of is 37 as compared with 40 in 1891. The figures for the past five years are as follows :—

	1888.	1889.	1890.	1891.	1892.
Judgment for plaintiff wholly or in part.	55	56	54	55	55
Judgment for defendant ...	39	39	40	40	37

The percentages of dismissals for default and of *ex-parte* decrees are 24 and 15 respectively, the same as in the preceding year, while that of cases compromised is 5 also the same as in the preceding year.

There is a slight increase by 1 to the percentage of pending cases, but notwithstanding the marked numerical increase in the number of institutions, the percentage of 97 of cases disposed of has been maintained during the year under review.

9. The average duration of suits in Courts of original jurisdiction was as follows:—

Division.	Name of district.	Average duration of suits: For previous year. Contested.	For previous year. Uncontested.	For year of report. Contested.	For year of report. Uncontested.
		Days.	Days.	Days.	Days.
Arakan.	Akyab	34	18	38	18
	Do. Small Causes	14	21	16	19
	Kyaukpyu	17	10	20	11
	Sandoway	15	12	24	14
	Northern Arakan	12	20	10	16
	Total	23	17	28	17
Pegu.	Hanthawaddy	25	14	33	18
	Pegu	25	15	25	16
	Do. Small Causes	12	11	...	...
	Tharrawaddy	17	14	29	26
	Do. Small Causes	13	14	34	34
	Prome	17	9	20	10
	Do. Small Causes	12	9	17	14
	Total	19	13	25	18
Irrawaddy.	Henzada	31	14	21	14
	Do. Small Causes	7	8	8	4
	Bassein	25	16	19	13
	Do. Small Causes	10	11	9	10
	Thôngwa	23	16	29	18
	Do. Small Causes	17	17	21	16
	Thayetmyo	21	19	28	18
	Do. Small Causes	9	6	9	10
	Total	25	16	24	16
Tenasserim.	Amherst	15	11	19	12
	Do. Small Causes	22	16	12	10
	Shwegyin	18	13	35	21
	Do. Small Causes	16	13	20	16
	Toungoo	14	9	20	11
	Do. Small Causes	14	9	15	14
	Tavoy	19	11	18	12
	Mergui	25	19	42	23
	Salween	17	6	9	8
	Moulmein Judge's Court	79	53	45	43
	Do. Small Cause Side	20	21	18	17
	Total	19	15	24	16
	Grand Total	22	15	25	16

The duration of cases has risen in almost every district. The lengthened duration is most conspicuous in Sandoway, Akyab, Hanthawaddy, Tharrawaddy, Shwegyin, and Mergui. Treated as a district Moulmein shows the highest average duration of 45 and 43 days in contested and uncontested cases respectively, but for a Court of its *status* it cannot be considered high.

The lengthened duration in Sandoway and Akyab is partly due to a change of Subordinate Judges occasioning a temporary cessation of judicial work, and to the occurrence of several cases in which persons had to be summoned from other districts, which led to great delays owing to the absence of proper communications. The rise in duration in Tharrawaddy is shown by the Deputy Commissioner to be chiefly in the Minhla, Tapun, and Gyobingauk townships, where the special Myoôk has jurisdiction, and where a number of days are lost in travelling; and he suggests as a remedy that this Myoôk should either spend a larger part of his time at Minhla, or that his Court should be permanently established at Gyobingauk or at Zigôn. The increase in the Prome district is principally due to the number of contested cases, which were large and important both in the Deputy Commissioner's Court and in that of the Subdivisional Officer, Prome. The Deputy Commissioner, Bassein, attributes the increase in his Court to the necessity for more frequent tours; and with respect to prolonged durations in the Subordinate Courts he remarks that, while instances of apathy on the part of some subordinates are still not unknown, it is probable that some suitors would benefit were a little longer time devoted to their cases. The Deputy Commissioner, Shwegyin, ascribes the general cause of the prolonged duration to the increase in the work of the Courts. He points out that the revenue work of the Myoôks has increased of late years even more in proportion than their civil and criminal work, and is of opinion that slipshod work and miscarriages of justice are almost inevitable under existing circumstances. The Deputy Commissioner recommends that Kyaikto subdivision should be divided into three townships instead of two, and states that this was suggested by his predecessor seven or eight years ago. The Deputy Commissioner, Thôngwa, points to the increase of work in all branches without any corresponding increase in establishments as the necessary cause of increase in the duration of cases. The Deputy Commissioner, Tavoy, gives the absence of the Deputy Commissioner on tour, and the Deputy Commissioner, Mergui, the more urgent executive duties of officers who had to be absent on tour, as some of the causes leading to the prolongation in duration.

The generally operating cause would appear to be the general increase of executive and revenue work. No doubt the strict necessity which has been insisted on by successive Judicial Commissioners of giving due notice and time to parties and witnesses may have also appreciably affected the figures, but the average duration of suits is still very moderate.

10. The following table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
ARAKAN.	Akyab	483	172	59	25
	Do. Small Causes	217	7	4	5
	Kyaukpyu	149	85	18	20
	Sandoway	114	57	14	9
	Northern Arakan	...	...	...	...
	Total ...	963	321	95	59
PEGU.	Hanthawaddy	747	260	138	83
	Pegu	674	244	121	49
	Do. Small Causes	...	...	...	...
	Tharrawaddy	615	209	90	67
	Do. Small Causes	...	...	...	...
	Prome	581	186	153	39
	Do. Small Causes	102	51	14	2
	Total ...	2,719	947	516	240
IRRAWADDY.	Henzada	659	194	118	57
	Do. Small Causes	...	...	...	...
	Bassein	662	247	152	85
	Do. Small Causes	147	36	23	7
	Thôngwa	1,430	411	171	94
	Do. Small Causes	8	1	...	1
	Thayetmyo	367	123	83	37
	Do. Small Causes	17	6	10	...
	Total ...	3,290	1,018	552	231
TENASSERIM.	Amherst	845	284	189	65
	Do. Small Causes	30	7	8	...
	Shwegyin	780	315	120	56
	Do. Small Causes	69	24	13	17
	Toungoo	270	69	58	18
	Do. Small Causes	20	2	...	...
	Tavoy	187	57	30	2
	Mergui	281	112	35	18
	Salween	43	14	24	...
	Moulmein Judge's Court	152	23	37	24
	Do. Small Cause Side	912	150	171	38
	Total ...	3,489	1,057	685	288
	GRAND TOTAL ...	10,461	3,343	1,848	768
	In 1891	9,026	2,760	1,638	581

The number of applications for execution was 10,461 as compared with 9,026, showing an increase of 1,435 on the preceding year. Three thousand three hundred and forty-three decrees, or 34·5 per cent., were completely, and 1,848, or 19·1 per cent., partially satisfied. The percentages for 1891 were 32·8 and 19·4 respectively. The number of applications returned during the year as wholly infructuous was 4,502 as against 4,029 of the previous year. The percentage has fallen from 47·8 to 46·4. These figures necessarily leave out of account the satisfaction of decrees effected without report out of Court.

11. Processes in execution were issued as follows:—

Division.	Name of district.	Mode of execution.						Orders under section 243, Civil Procedure Code.
		Delivery of possession.	Imprisonment of person.	*Moveable property*		*Immoveable property*		
				Attached.	Sold.	Attached.	Sold.	
Arakan.	Akyab	21	1	97	37	54	20	...
	Do. Small Causes	...	4	3	3	...	.	...
	Kyaukpyu	6	1	48	4	41	12	
	Sandoway	3	1	8	7	2	1	...
	Northern Arakan...	..	..	...	...	...	...	..
	Total ...	30	7	156	51	97	39	...
Pegu.	Hanthawaddy	3	6	177	60	204	69	...
	Pegu	7	6	195	81	109	57	...
	Do. Small Causes	...	..	...	...	...		...
	Tharrawaddy	20	18	189	40	95	57	...
	Do. Small Causes	..	...	...	...	...	...	...
	Prome	5	5	180	62	180	98	...
	Do. Small Causes	...	...	26	9	32	13	...
	Total ...	35	30	667	252	620	294	...
Irrawaddy.	Henzada	8	9	194	52	84	32	...
	Do. Small Causes	...	..	...	...	...	..	...
	Bassein	16	7	230	88	91	52	..
	Do. Small Causes	..	3	25	16	5	3	.
	Thôngwa	6	4	320	151	208	110	...
	Do. Small Causes	...	...	1	.	...	...	.
	Thayetmyo	4	9	129	62	39	28	...
	Do. Small Causes	...	1	5	5	...	...	...
	Total ...	34	33	904	374	427	225	...
Tenasserim.	Amherst	15	15	203	41	158	67	...
	Do. Small Causes	...	..	5		10	5	.
	Shwegyin	11	28	205	60	104	48	...
	Do. Small Causes	...	...	25	8	8	1	...
	Toungoo	1	4	69	37	43	30	...
	Do. Small Causes	...	...	.	...	...	...	..
	Tavoy	9	5	17	3	35	18	..
	Mergui	1	10	51	19	17	17	..
	Salween	...	.	9	3	1	1	
	Moulmein Judge's Court . ..	1	2	15	11	19	10	..
	Do. Small Cause Side... ...	...	29	57	33	...	...	...
	Total ...	38	93	656	215	390	197	...
	Grand Total	137	163	2,383	892	1,534	755	...
	In 1891	85	114	1,911	737	1.369	710	...

Execution of decree by delivery of possession was effected in 137 cases against 85 of the preceding year. The number of imprisonments of the person rose from 114 to 163 in the year under review. Amherst, Tharrawaddy, and Shwegyin show the highest rise in this mode of execution. No explanation for this has been furnished.

Attachments and sales of both moveable and immoveable property show an increase.

12. The costs of litigation during the year as compared with the previous year are shown below :—

Percentage of costs to value of—	1891.	1892.
Original suits	8·71	12·6
Appeals	7·22	10·2

13. The following table shows the number of persons who applied to be declared insolvent :—

Division.	Name of district.	Number of persons who applied to be declared insolvent.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
ARAKAN.	Akyab	...	...	..	...	...	
	Kyaukpyu		...	...	...	...	
	Sandoway	...	...	...	...	...	
	Northern Arakan	...	...	...	...	...	
	Total ...	...	...	...	...	...	
PEGU.	Hanthawaddy	2	...	...	2	...	Two withdrawn.
	Pegu	...	..	...	...	...	
	Tharrawaddy	3	2	...	3	...	One withdrawn.
	Prome	...	...	...	...	...	
	Total ...	5	2	...	5	...	Three withdrawn.
IRRAWADDY.	Henzada	7	...	...	5	2	Five withdrawn.
	Bassein	2	...	1	1	1	
	Thôngwa	...	...	...	...	...	
	Thayetmyo	...	...	...	...	...	
	Total ...	9	...	1	6	3	Five withdrawn.
TENASSERIM.	Amherst	...	...	...	...	...	
	Shwegyin	...	...	...	...	...	
	Toungoo	5	2	2	4	1	
	Tavoy	1	...	1	1	...	
	Mergui	...	...	...	...	...	
	Salween	...	...	...	...	...	
	Total ...	6	2	3	5	1	
	GRAND TOTAL ...	20	4	4	16	4	Eight withdrawn.
	In 1891	26	14	9	23	3	

As remarked in last year's report, the insolvency provisions of the Civil Procedure Code have not been much resorted to. The insolvency applications decreased from 26 to 20 during the year under report. It will be noticed that no applications were made in the Amherst and Shwegyin districts, where imprisonment of the person was most resorted to. The figures relating to applications under the Act for the Relief of Insolvent Debtors will be found in the returns submitted by the Recorder of Rangoon.

II.—APPELLATE JURISDICTION.

14. The following table shows the number and results of appeals preferred to the District or Deputy Commissioner's Court from the decrees of the Subordi-

nate Courts, the number pending at the close of the year, and the average duration of appeals :—

Division.	Name of district.	Number of appeals preferred.*	Number of appeals disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Pending: Over three months.	Total.	Average duration of appeals.
Arakan.	Akyab ...	68	46	4	2	13	...	65	1	4	31
	Kyaukpyu ...	49	37	8	3	11	...	54	...	1	32
	Sandoway ...	33	15	3	2	8	...	28	...	5	12
	Northern Arakan ...	...	...	...	...	...	...	...	...	...	...
	Total ...	150	98	10	7	32	...	147	1	10	28
Pegu.	Hanthawaddy ...	63	43	3	1	8	...	55	...	10	34
	Pegu ...	113	71	6	1	37	...	115	1	8	57
	Tharrawaddy ...	77	60	2	5	12	...	79	...	4	25
	Prome ...	131	71	7	4	45	...	127	...	12	22
	Total ...	384	245	18	11	102	...	376	1	34	35
Irrawaddy.	Henzada ...	202	126	17	1	59	...	203	...	12	32
	Bassein ...	181	117	19	1	40	...	177	...	15	26
	Thôngwa ...	179	123	12	...	38	...	173	...	16	45
	Thayetmyo ...	82	65	...	1	18	...	84	...	5	13
	Total ...	644	431	48	3	155	...	637	...	48	31
Tenasserim.	Amherst ...	113	78	3	11	19	...	111	...	22	8
	Shwegyin ...	140	97	7	4	30	...	138	...	10	28
	Toungoo ...	40	31	2	...	6	...	39	...	3	39
	Tavoy ...	61	37	3	...	14	...	54	...	11	49
	Mergui ...	48	23	7	...	20	...	50	...	...	39
	Salween ...	2	2	...	...	...	...	2	...	...	7
	Total ...	404	268	22	15	89	...	394	...	46	28
	Grand Total ...	1,582	1,042	98	36	378	...	1,554	2	138	31
	In 1891 ...	1,250	839	99	33	261	17	1,249	1	114	27

* Excluding cases pending from previous year and cases received by transfers.

N.B.—These figures include the appeals in the Court of Mr. Mitchell, the Assistant Commissioner Akyab. Of the 22 cases disposed of by him, 15 were confirmed, 1 modified, 5 reversed, 1 remanded, and 4 pending.

Appeals to Deputy Commissioners have increased from 1,250 to 1,582, the increase being 332. The increase, which is more or less marked, is exhibited in every district but Mergui, Thayetmyo and Kyaukpyu. The percentage of appeals confirmed was 67, the same as the previous year. The duration of these appeals rose from 27 to 31 days. Hanthawaddy, Pegu, Prome, Bassein, Thôngwa, Shwegyin Toungoo, Tavoy, and Mergui show lengthened durations. The same general reasons given for the rise in the duration of original suits apply to the rise in the duration of appeals. The Deputy Commissioner of Bassein remarks :—

"No fair conclusion can be drawn as to the duration of civil appeals till it is known how many days have been spent on tour. I can only say that were it not for frequent absence, I could easily reduce average duration by perhaps another 10 days, and that, as matters stand, it is impossible to reduce the average consistently with a regard to other duties."

The Deputy Commissioner, Thôngwa, remarks :—

"The heavy increase of revenue work is against rapid work in this branch, and steps are being taken to relieve me of appellate work."

Notwithstanding the general complaint of increase of work, only 2 appeals out of 138 had been pending over three months.

15. The following table shows the number and results of appeals to Commissioners' Courts from the decrees of the Deputy Commissioners' or District Courts,

the number of appeals pending at the close of the year, and the average duration of appeals:—

Appellate Court.	Number of appeals preferred.*	Number of appeals disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Pending: For more than three months.	Total.	Average duration of appeals.
Commissioner of Arakan	6	3	...	.	2	...	5	1	1	36
Commissioner of Pegu	10	15	1	.	5	...	21	1	2	28
Commissioner of Irrawaddy	9	7	...	..	1	...	8	...	2	62
Commissioner of Tenasserim	6	3	...	..	3	...	6	...	...	46
Total ...	40	28	1	..	11	...	40	2	5	38
In 1891	36	21	3		7	1	32	1	5	51

* Excluding cases pending from previous year and cases received by transfer.

Commissioners disposed of 40 appeals as compared with 36 in 1891, but the average duration of their appeals fell from 51 to 38 days. The percentage of confirmations to appeals heard rose from 66 to 70.

16. The following table shows the number and result of regular appeals preferred in the Court of the Judicial Commissioner :—

Division.	Court from whose decision appeal was made.	Number of appeals preferred.*	Number of appeals disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	Pending.
Arakan.	Deputy Commissioner, Akyab	2	1	1	...	2	...	4	...
	Deputy Commissioner, Kyaukpyu	2	1		.	..	..	1	1
	Deputy Commissioner, Sandoway	2	1		..	.	.	1	1
	Deputy Commissioner, Northern Arakan ...					..		.	..
	Commissioner of Arakan ...	2	.	1	...	..		1	2
	Total ...	8	3	2	..	2		7	4
Pegu.	Deputy Commissioner, Hanthawaddy ...	8	2	2		3	...	7	3
	Deputy Commissioner, Pegu	35	17	4	1	8	..	30	9
	Deputy Commissioner, Tharrawaddy ...	10	7			4	...	10	1
	Deputy Commissioner, Prome	19	3	5	1	6	..	15	5
	Commissioner of Pegu	8	3	4		1		8	2
	Total ...	80	32	15	2	21	...	70	20
Irrawaddy.	Deputy Commissioner, Henzada	33	17	6	...	12		35	9
	Deputy Commissioner, Bassein	25	8	1	2	13	...	24	4
	Deputy Commissioner, Thongwa ...	24	9	.		6	...	15	12
	Deputy Commissioner, Thayetmyo ...	9	7	1	...	1	...	9	2
	Commissioner of Irrawaddy	1	1			..		1	..
	Total ...	92	42	8	2	32	..	84	27
Tenasserim.	Deputy Commissioner, Amherst	16	9	1	1	1	.	12	6
	Deputy Commissioner, Shwegyin	22	5		2	7		14	11
	Deputy Commissioner, Toungoo	5	5	.		1	...	6	1
	Deputy Commissioner, Tavoy	1		..			...	..	1
	Deputy Commissioner, Mergui	4	1	.	1	..	.	2	2
	Deputy Commissioner, Salween		...		..		.		...
	Commissioner of Tenasserim ...	3	3			...	..	3	.
	Total ...	51	23	1	4	9		37	21
	Grand Total .	231	100	26	8	64		198	72
	In 1891	138	84	5	1	33	4	127	39

* Excluding cases pending from previous year.

Regular appeals rose in the Court of the Judicial Commissioner from 138 to 231, a very much higher number than in any previous year.

The following are the figures for the past five years, with the percentage of decrees confirmed in proportion to the number of appeals instituted :—

Year.	Appeals instituted.	Percentage of confirmations.
1888	125	58
1889	136	60
1890	148	64
1891	138	66
1892	231	51

The low percentage of confirmations during the past year reflects in a very unsatisfactory manner upon the way in which first appeals were disposed of by the Lower Appellate Courts. It would seem that increase of work had led to more hasty and perfunctory trial of civil appeals. As a rule District Judges do not comply with the requirements of section 574 of the Civil Procedure Code as to the way in which judgments in appeal should be written. They rarely state distinctly the points for determination and their decision upon each point. Mr. Fulton in Civil Circular No. 12 of the 21st March 1892 directed that Appellate Courts should lay down distinctly the points which arise for determination, but these instructions have only been attended to by a few of the Judges. The Myoôks, though they generally frame issues, rarely set them out in their judgments or give clear findings upon them.

17. The following table shows the number and result of miscellaneous appeals preferred in the Court of the Judicial Commissioner :—

Division.	Court from whose decision appeal was made.	Number of appeals preferred.*	Number of appeals disposed of						Pending.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	
Arakan	...	...	...	...	...	...	...	...	...
	Total ...	...	...	...	...	...	...	...	...
Pegu	Deputy Commissioner, Pegu ...	2	2	...	...	...	...	2	...
	Total ..	2	2	...	...	...	...	2	...
Irrawaddy ...	Deputy Commissioner, Bassein ...	...	1	...	...	...	...	1	...
	Deputy Commissioner, Thôngwa ...	3	1	..	...	1	...	2	1
	Total ...	3	2	...	...	1	...	3	1
Tenasserim ...	.....	...	...	...	...	...	...	...	...
	Total ...	...	...	...	...	...	...	...	...
	GRAND TOTAL ...	5	4	...	...	1	...	5	1
	In 1891	4	1	2	...	...	...	3	1

* Excluding cases pending from previous year.

This table hardly calls for remark.

18. The following table shows the number and result of applications for revision preferred to the Judicial Commissioner under section 622 of the Code of Civil Procedure and section 25 of the Provincial Small Cause Courts Act :—

Division.	Name of district.	Number of applications preferred.*	Number of applications disposed of						Pending.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	
ARAKAN.	Akyab	2	...	...	...	1	...	1	1
	Kyaukpyu	...	...	...	...	...	...	...	...
	Sandoway	...	...	...	...	...	...	...	...
	Northern Arakan	...	...	...	...	...	...	...	...
	Commissioner of Arakan	...	...	...	...	...	...	...	...
	Total ...	2	...	...	...	1	...	1	1
PEGU.	Hanthawaddy	7	4	...	...	1	...	5	2
	Pegu	2	...	...	...	1	...	1	1
	Tharrawaddy	1	...	...	1	...	...	1	...
	Prome	...	...	...	...	...	...	...	...
	Commissioner of Pegu	...	...	...	...	...	...	...	...
	Total ...	10	4	...	1	2	...	7	3

* Excluding cases pending from previous year.

Division.	Name of district.	Number of applications preferred.	Number of applications disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	Pending.
Irrawaddy	Henzada	1	1	..	...	...	.	1	...
	Bassein	1	1	...	...	...	...	1	..
	Thôngwa	3	1	1		1	...	3	...
	Thayetmyo	...	...	...	..	...	...	..	...
	Commissioner of Irrawaddy ...	...	...	..	...	...	...	...	...
	Total ...	5	3	1	...	1	...	5	...
Tenasserim.	Amherst	2	1	...	1	...	...	2	...
	Shwegyin	3	1	..	...	...	1	2	1
	Toungoo	4	3	..	..	.	...	3	1
	Tavoy	...	...	..	...	...	...	...	..
	Mergui	...	...	..	...	..	..		...
	Salween	...	...	..	...	..	...	...	.
	Judge of Moulmein ...	...	...	...	...	...	...	...	...
	Commissioner of Tenasserim ...	...	...			.	...	...	..
	Total ...	9	5	...	1	...	1	7	2
	Grand Total .	26	12	1	2	4	1	20	6
	In 1891	14	7	...	1	3	5	16	...

Besides 20 applications shown in the above table, the Judicial Commissioner disposed of 124 miscellaneous applications, of which—

5 were for review of judgment.
4 were complaints against the conduct of Advocates.
30 were applications preferred by Advocates for enrolment or re-instatement, or for verification or renewal of their certified extracts from the roll, or for permission to practise in other districts.
1 was an application by a clerk against an order of dismissal.
43 were applications under section 26 of the Lower Burma Courts Act.
3 were applications to have appeals restored to the file.
7 were applications under section 24 of the Burma Courts Act.
1 was an application under section 206 of the Civil Procedure Code.
6 were applications for permission to appear in the Advocateship Examinations.
16 were applications for Advocates' license.
1 was an application for re-trial of a case.
3 were applications for orders to stay the execution of decrees.
1 was an application for permission to appeal to Her Majesty in Council.
1 was an application for orders for the delivery of certain property.
2 were applications for permission to appeal *in formâ pauperis*.

19. The following table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.			Charge including salaries of process-servers, contingencies, &c.		
			Rs.	A.	P.	Rs.	A.	P.
Arakan	Akyab	8,910	4,479	8	0	2,635	10	4
	Kyaukpyu	2,869	1,456	11	0	586	0	4
	Sandoway	2,201	915	4	0	696	9	2
	Northern Arakan	...				...		
	Total ...	13,980	6,851	7	0	3,918	3	10
Pegu	Hanthawaddy	8,532	5,094	10	0	2,202	2	11
	Pegu	10,413	6,842	15	0	3,300	12	5
	Tharrawaddy	11,611	7,158	10	0	3,104	10	1
	Prome	11,250	5,643	8	0	2,109	8	5
	Total ..	41,806	24,739	11	0	10,717	1	10
Irrawaddy	Henzada	14,422	8,190	7	0	3,331	15	5
	Bassein	12,971	6,655	10	0	4,592	15	5
	Thôngwa	18,063	12,214	6	0	5,659	12	7
	Thayetmyo	5,051	3,306	2	0	1,533	7	3
	Total ..	50,507	30 366	9	0	15,118	2	8
Tenasserim	Amherst	7,013	6,947	8	0	2,503	6	3
	Shwegyin . ..	11,618	5,232	10	0	2,197	7	8
	Toungoo	4,961	2,274	2	0	1,258	7	5
	Tavoy	2,935	1,678	4	0	679	8	6
	Mergui	1,806	1,190	8	0	695	3	1
	Salween	196	154	8	0	27	0	1
	Moulmein	7,520	4,669	8	0	1,321	2	2
	Total ...	36,049	22,147	0	0	8,682	3	2
	Grand Total .	142,342	84,104	11	0	38,435	11	6
	In 1891	112,483	74,256	4	0	40,292	3	0

In 1892 were issued for service 142,342 processes as against 112,483 in 1891, an increase of 29,859 processes. The receipts from process fees amounted to Rs. 84,104-11-0 and the expenditure in the service of processes to Rs. 38,435-11-6. Some reductions were effected in process-serving establishments during the year.

20. The cost of the Civil Courts in Lower Burma is usually estimated at one-third of the pay of officers and establishments for civil judicial work. The receipts calculated on this basis amounted to Rs. 4,47,541-1-8 and the cost to Rs. 4,77,456-4-5, the nominal loss being Rs. 29,915-2-9.

21. The following statement shows the inspection work of the Deputy Commissioners and Commissioners :—

Division	District.	Number of Courts liable to inspection other than those at head-quarters		Number of Courts actually inspected		Remarks
		Township Courts.	Subdivisional Courts.	Township Courts.	Subdivisional Courts.	
Arakan.	Akyab	7	2	7	2	
	Kyaukpyu	4	...	4	...	
	Sandoway	2	...	2	...	
	Northern Arakan	.	...		...	
	Total .	13	2	13	2	
Pegu	Hanthawaddy	4	1	4	1	
	Pegu	5	1	5	1	
	Tharrawaddy .. .	5	1	5	1	
	Prome	6	2	6	2	
	Total ...	20	5	20	5	
Irrawaddy	Henzada ...	5	2	3	1	Subdivisional Court at Ôkpo and Township Courts at Ôkpo and Kyangin not inspected.
	Bassein	7	2	7	2	
	Thôngwa	8	2	7	2	Pyindayè Township Court not inspected
	Thayetmyo	6	2	6	2	
	Total .	26	8	23	7	Subdivisional Courts at Thatôn and Hlaingbwè and Township Courts at Wagaru, Haungtharaw, Gyaing-Attaran and Pagat not inspected
Tenasserim.	Amherst ...	11	3	7	1	
	Shwegyin	4	2	4	2	
	Toungoo ...	5		5	...	
	Tavoy ...	3		3		
	Mergui .. .	3	1	3	1	
	Salween	...			...	
	Total ...	26	6	22	4	
	Grand Total	85	21	78	18	

One of the most important duties of a Deputy Commissioner is the supervision over the working of the Courts subordinate to him. This supervision has been most effectively exercised in the districts of Bassein, Prome, Akyab, Tharrawaddy, and Amherst. The general results of the inspections are that improvement has been apparent in almost every subordinate Court.

Besides the Courts inspected by the District Officers, the following Courts were inspected by Commissioners of Divisions :—

Court of Deputy Commissioner, Kyaukpyu, and Township Courts at Kyaukpyu, Ramri, Cheduba, Myebôn, An, Gwa, and Taungup	By Commissioner of Arakan.
Court of Deputy Commissioner, Pegu, and Subdivisional Courts at Pegu, Kyauktan, and Insein, and Township Courts at Tuntè, Kawa, Letpadan, and Kyauktan.	By Commissioner of Pegu.
Court of Deputy Commissioner, Henzada, Subdivisional Court at Ngathainggyaung, and Township Courts at Thabaung, Kyônpyaw, and Zalun.	By Commissioner of Irrawaddy.
Court of Deputy Commissioner, Tavoy, and Township Courts at Wagaru and Yelamaing.	By Commissioner of Tenasserim.

During the year the Courts at the headquarters of the following districts were inspected by my predecessor Mr. Fulton: Hanthawaddy, Pegu, Tharrawaddy, Prome, Bassein, Henzada, Thôngwa, Thayetmyo, Amherst, Moulmein

Town, Shwegyin, Akyab, Kyaukpyu, Sandoway. When visiting the Courts at district headquarters he also took occasion to call in the records and registers of a number of outlying Township Courts. Besides such Courts the following Subdivisional Courts were visited by him: Paungdè, Kyauktan, Insein, Pyuntaza. Very few errors of procedure were discovered. The Judicial Commissioner had occasion to notice unnecessary adjournments in some of the outlying Subordinate Courts, while in others he had to remark upon the too great anxiety displayed to reduce the duration of cases, to the manifest inconvenience of parties and witnesses, by allowing too short a period for the hearing. A circular was issued to stop the practice of some Myoôks of dragging out people from headquarters and hearing their cases in remote parts of their township, which they had occasion to visit on executive or revenue duty. A few Subordinate Judges had to be warned of the necessity for strict proof of service before passing *ex-parte* decrees. Some changes in the forms and registers have been introduced, and lately quarterly statements have been discontinued to the relief of all concerned. These changes have required supervision, and it may be said that the new registers and forms are now well understood. The district libraries are fairly well supplied with books, and the libraries of outlying Courts are on the whole in fair order. The work of sorting and destroying useless records, in regard to which new rules were issued during the year, has been taken up with vigour in most districts. In the smaller districts everything is up to date; in the larger districts the work has made great progress.

The following officers deserve mention for their effective supervision over the working of the Courts subordinate to them: Mr. Weidemann, Deputy Commissioner, Bassein; Lieutenant-Colonel Creswell, Deputy Commissioner, Prome; Mr. Irwin, Deputy Commissioner, Akyab; Captain Johnson, Deputy Commissioner, Amherst; and Lieutenant Maxwell, Deputy Commissioner, Tharrawaddy.

22. During the year under review the Civil and General Executive Circulars were codified and published by my predecessor Mr. Fulton. Under his supervision also a book of Selected Judgments and Rulings of the Special Court and of the Court of the Judicial Commissioner issued during the past 20 years was compiled and published by my Registrar Mr. Ripley.

23. During the year new rules for the admission and enrolment of Advocates came into force. The rules framed re-introduced the admission of Advocates of the 3rd grade, and provided for the annual verification by Deputy Commissioners of 2nd and 3rd grade licenses, as also for the keeping of rolls by Deputy Commissioners of Advocates practising in their districts. Four 1st grade Advocates (of whom two were Barristers) and nine 2nd grade Advocates were admitted during the year under report.

24. The following subordinate officers have been reported upon favourably by the Deputy Commissioners in their annual reports:—

Hanthawaddy.

Maung Po Yauk, Hlaing.—Intelligent, well acquainted with English. Does his work fairly.

Maung Tha Kin, Twantè.—Energetic, gets through a deal of work in a fairly satisfactory manner.

Maung Ta Po.—Fair judicial officer.

Mr. Sarfas, Subordinate Judge, Kyauktan.—Good.

Maung Shwe Bwin, Subordinate Judge, Pegu.—Good.

Prome.

* *Maung Ba Tu, K.S.M., Paungdè.*—Well up in his civil work; does it well and quickly.

Maung San Pe.—Does his civil work well and quickly, but has very little of it.

* *Maung Thè.*—Good knowledge of civil law. Does his work quickly and well.

* *Maung Po Han.*—Knows his work and does it quickly and well.

Thôngwa.

* *Mr. L. H Saunders.* —Very creditable.
Mr. S. Bere.—Good.
* *Maung Po Thaik.*—Good.
* Maung Tin Gyaw.—Good.
* Maung Po Thin.—Good.
* *Maung Kyaw Nyein.*—Very creditable.

Amherst.

Mr Martyr.—Good.

Thayetmyo.

Maung Shwè Da.—Satisfactory.

The other Deputy Commissioners have not made special mention of any of their subordinates.

25. Mr. Irwin draws a gloomy picture of the interior of an ordinary court-house in the Akyab district He says:—

"All the Courts at outstations except Kyaukpyu are on one plan, and seem to have been designed with the object of preventing any light from entering the principal room above the level of the table. What light does come in shines straight in one's eyes, but fails to illuminate documents on the table Urittaung court-house is so bad that the Myoôk frequently has to do his work in the back verandah In some of the court-houses this defect has been remedied to a great extent by removing a partition between the court-room and a small room which was intended for the accommodation of inspecting officers, and the same can be done in the others as soon as the rest-houses which are about to be built are completed"

26. Mr. Fulton held the office of Judicial Commissioner till the 4th Nov-1892, when I succeeded him

E. HOSKING,
Judicial Commissioner, Lower Burma.

THE

CIVIL JUSTICE REPORT

OF

UPPER BURMA

FOR

The year 1892.

From G. D. Burgess, Esq., C.S.I., Judicial Commissioner, Upper Burma, to the Secretary to the Chief Commissioner, Burma,—No. 836-35—5, dated the 15th May 1893.

I have the honour to submit the Civil Justice Report and statements for the year 1892 for Upper Burma.

I.—Original Jurisdiction.

2. There were no original suits instituted or disposed of in the Court of the Judicial Commissioner, Upper Burma.

3. The table given below represents the number of suits instituted since 1889 in the Civil Courts of the four divisions :—

	1889.	1890.	1891.	1892.
Northern division	2,092	2,843	2,227	2,480
Central do.	977	1,097	1,375	1,553
Southern do.	1,994	3,192	3,395	3,636
Eastern do.	2,411	2,706	2,421	2,897
Total ...	7,474	9,838	9,418	10,566

The increase of 1,148 cases, which is common to every division, shows an improvement in the condition of the country.

4. The following table shows the number of cases instituted in the different Courts of Original Jurisdiction, the number disposed of, and the state of the files at the close of the year as compared with similar results for the preceding year :—

Division.	Name of district.	Instituted		Disposed of		Pending at the close of the year.			
						Above four months.		Total pending.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
Northern.	Mandalay	348	339	332	346	...	...	12	5
	Bhamo	144	197	143	196	...	...	3	4
	Katha	184	414	177	415	...	...	11	12
	Ruby Mines	106	122	104	124	1	...	5	2
	Shwebo	401	389	414	382	...	...	26	33
	Civil Court, Mandalay, Superior.	204	207	224	209	4	6	26	24
	Civil Court, Mandalay, Small Cause Side.	845	812	820	826	11	17	66	52
	Total ..	2,227	2,480	2,214	2,498	16	28	149	132
Central	Ye-u	217	125	218	131	2	...	7	1
	Sagaing	491	508	501	509	...	..	27	26
	Lower Chindwin ...	448	526	438	535	3	1	20	11
	Upper Chindwin ...	224	394	236	388	2	...	7	12
	Total ...	1,375	1,553	1,393	1,563	7	1	61	50

Division.	Name of district.	Instituted		Disposed of		Pending at the close of the year.			
						Above four months.		Total pending.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
South-ern.	Myingyan	1,002	1,084	1,009	1,063	1	...	25	46
	Pakôkku	942	951	932	899	...	...	80	79
	Minbu	634	726	678	705	...	4	21	42
	Magwe	817	875	800	863	...	...	29	41
	Total ...	3,395	3,636	3,414	3,530	1	4	105	208
Eastern	Kyanksè	320	418	323	422	...	...	6	1
	Meiktila	759	846	753	836	...	...	38	48
	Yamèthin	821	937	802	955	2	...	47	28
	Pyinmana	521	696	514	709	...	...	19	17
	Total ...	2,421	2,897	2,392	2,922	2	...	110	94
	Grand Total ...	9,418	10,566	9,403	10,513	26	28	425	484

In the districts in which an increase of litigation has taken place it may be put down to the greater quietness of the country, the improvements in administration, and the better acquaintance of the people with, and their greater confidence in, the Courts. Better crops and a larger number of pleaders are credited with the increase in Yamèthin. In Meiktila there has been an increase, but not up to the figures of two years ago, and this the Deputy Commissioner attributes to the poverty of the people, who have suffered from a very serious failure of crops for the past two years and numbers of whom have temporarily left the district on account of the scarcity.

So, too, in Magwe, where there has been a small increase, and in Shwebo and Ye-u, where there has been a decrease, and the Commissioner, Central Division, similarly remarks on the effects of the bad seasons in Sagaing and the Lower Chindwin. In the latter district, however, there has been a fair increase, and the Deputy Commissioner mentions as the cause the return of persons who left in disturbed times to claim ancestral lands and the preference of the people for the Courts, whose decrees can be enforced over arbitration, the awards in which are not enforceable without recourse to the Courts.

The Deputy Commissioner, Bhamo, speaks of the same thing.

The increase in the Upper Chindwin may be due to the same cause in part, but the Deputy Commissioner refers it to increasing trade and prosperity and the inclusion of the Kalè-Kabaw and Kalè Courts.

Similarly, in Minbu the development of administration in the hills brings litigation to the Courts.

There is a natural increase in the trading centres with their Indian population, and arrangements of jurisdiction which promote the convenience of suitors are of course followed by an increase in the number of cases filed.

In Katha the railway and the addition of territory have increased the number of civil cases.

In Mandalay Town the number of cases continues to decline and there is a decrease in the district also. In the Civil Court the decrease is on the Small Cause side. The Civil Judge thinks the causes are to be found in the operation of the Limitation Act, the decline of speculative litigation, the slackness of trade, and the falling off in the value of land. He also mentions the effect of the Registration Regulation and the record of tenures in stopping a fruitful crop of litigation by preventing false claims on fraudulent deeds of transfer to defeat execution proceedings. Parabaiks are consequently less in use than they were wont to be, and false witnesses meet with more difficulties in their way.

A decrease in litigation may be due to previous irregularities which have been stopped, as, for instance, in Ye-u, when, in the year before, applications for

letters-of-administration were entertained erroneously, the Burmese, who are keen in such matters, imagining that they had discovered a cheap way of having claims to inheritance settled under the Probate and Administration Act, which was not in force, however, in Upper Burma outside Mandalay during 1891 and 1892.

In other cases perhaps the Courts hesitate to grant relief which they might do, as indicated by the idea of the Deputy Commissioner, Pakôkku, that specific performance of a contract could not be decreed because the Specific Relief Act was not in force up to the other day.

The number of cases pending at the end of the year was 484 against 425 in 1891.

To some extent duties connected with revenue and famine relief work have interfered with the disposal of civil cases at the end of the year. Explanations have been called for by Deputy Commissioners in special instances.

The Deputy Commissioner, Magwe, thinks that litigation began to grow again at the end of the year after being checked by the scarcity.

Except 5 cases in Minbu and the Lower Chindwin, no cases have been pending for more than four months in any Court but the Civil Court, Mandalay. In the latter only 4 of these cases were actually under hearing, the rest being on the dormant file.

The following extract from the Judge's report explains how these cases came to be left undisposed of :—

"Under section 99A the plaintiffs are allowed a year's time in which to make fresh application for summons, and even if they should fail to do so, the cases must necessarily pend over 12 months. There is no provision under which a plaintiff can be hurried, and, further, there appears to be nothing to prevent a party filing a plaint under the pretence that the defendant is resident where he states he is in order to keep alive an action that would otherwise lapse by being barred by limitation, except a criminal prosecution for false verification. I suspect that this has actually been often done, plaintiff having at the time he filed the plaint no actual knowledge of where his defendant was."

5. The following table shows the character of original litigation in the several districts :—

Division	Name of district.	Number of suits													
		On written obligation.	On unwritten obligation	On account stated.	Money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Northern	Mandalay	55	58	4	37	39	18	20	27	29	44	..	2	0	339
	Bhamo ..	11	16	20	41	49	10	18	13	8	4	..	12	.	197
	Katha ...	60	84	7	46	87	19	50	16	27	1	.	6	2	414
	Ruby Mines ..	18	26			50	18	1	3	3		...	1	2	122
	Shwebo	41	54	32	27	77	41	20	49	10	36	...	6	3	389
	Civil Court, Mandalay, Superior	63	4	4	5	5	2	3	7	11	56	1	22	24	207
	Ditto Small Cause Side	375	58	7	69	176	83	28	13	3	.			...	812
	Total	635	300	64	225	483	191	135	128	91	141	1	49	37	2,480
Central	Ye-u . ..	20	16	3	4	21	5	4	8	14	28	...	2		125
	Sagaing	116	61	15	8	80	16	21	61	41	56	.	3	10	508
	Lower Chindwin	82	85	...	14	40	16	16	59	19	144		18	33	526
	Upper Chindwin	52	56	5	31	79	44	16	39	21	18		9	24	394
	Total ...	270	238	23	57	220	81	57	167	95	246		32	67	1,553
Southern	Myingyan	202	115	1	37	110	19	16	95	107	334	...	18	30	1,084
	Pakôkku . .	145	112	3	31	103	56	50	86	50	234	2	30	40	951
	Minbu	108	90	6	31	85	14	16	152	21	159	..	24	20	726
	Magwe ...	179	128	5	72	145	26	13	113	47	122	...	18	12	875
	Total ...	634	445	15	171	443	115	95	446	234	849	2	85	102	3,636
Eastern	Kyaukse	30	45	2	128	18	20	14	92	13	35	2	6	18	418
	Meiktila	131	144	10	40	118	26	10	84	46	192	1	13	22	846
	Yamèthin	171	116	4	65	100	40	28	150	11	202	...	18	20	927
	Pyinmana	297	68	9	40	80	62	8	15	19	76	...	17	5	696
	Total ...	629	373	25	273	325	148	60	341	92	505	3	54	60	2,897
	Grand Total ..	2,168	1,356	127	726	1,471	535	356	1,082	512	1,741	6	220	266	10,566
	In 1891	1,971	1,254	122	549	1,340	474	343	936	397	1,870	8	218	232	9,418

Notwithstanding the bad season last year, which must have put a stop to a good deal of business, there has been an increase of litigation under all the heads into which cases are distinguished.

6. Suits on written obligation have risen by 197, the principal increase having occurred in Katha, owing doubtless to the railway, in Mandalay Town, Myingyan, Magwe, and Pyinmana. The considerable increase of suits on written obligation from 149 to 297 in Pyinmana has not been explained by the Deputy Commissioner. It is perhaps due to the activity of the forest lessees, who have to make contracts for the extraction of timber, and who advance money on the security of the contractor's property for the purpose. Such increase might be naturally expected as the people come to learn the advantage of regular and methodical ways of doing business, but it is liable to be checked by special causes.

The Deputy Commissioner, Magwe, thinks that such a check was imposed by an excessive amount of prosecution under the Stamp Act.

The Deputy Commissioner, Upper Chindwin, makes a similar suggestion. The Deputy Commissioner, Minbu, remarks :—

"One of the features of the litigation of the past year has been the large number of all kinds of documents on which fines and deficient duty have had to be paid, under the provisions of the Stamp Act, in order to render them able to be put in as evidence. Documents that were executed after the Stamp Act came into force were often unstamped or insufficiently so. They are now being wanted for the purpose of litigation since some years have passed since their execution. They were not wanted just after their execution. The result of the fines imposed has been a great increase in the sale of non-judicial stamp paper as compared with previous years. The payment of the insufficient duty and the fines has done far more to teach the people the provisions of the Stamp law than any notices or talking have done."

The Deputy Commissioner, Ye-u, considers that Burmans readily appreciate the use of stamped paper. It is desirable that the people should fully realize the result of making unstamped instruments, for what is apt to happen is that, when a document is unstamped, a suit is brought without any mention of it, and by and bye, when its existence is discovered, the suit has to be thrown out, if not in the Court of first instance, then in appeal or revision, for want of admissible evidence of the transaction.

Another thing that happens is that instruments are first of all written on parabaik or unstamped paper; if all goes well, no more need be done; but if difficulty arises, the document is transferred to stamped paper, and the claimant tries to ignore the previous irregular execution. In Mandalay the written obligation of a promissory note is found very convenient for the transaction of business. The Civil Judge writes :—

"The largest number of suits are on promissory notes on demand for money lent or for goods sold. Traders find it much more convenient when selling goods to fix the price and take a promissory note bearing interest for the price of the same. A memorandum is made on the counterfoil in the promissory note book as to the goods and their value for purposes of account. But as far as the parties are concerned, as regards future litigation the promissory note becomes the base of action and there is no dispute as to prices, return of goods, quality of goods, &c., while the interest provision ensures a speedy settlement. The interest is never enforced if the amount is paid within a reasonable time, but is generally claimed when a suit has to be filed for its recovery. With a large number of traders, not including the Marwarries, who sell on promissory note and also keep regular sets of books, these promissory notes and counterfoils form their whole system of account. The payments are marked either on the back of the note if in part, or on the counterfoil, and always on the counterfoil on the setting up of the claim."

These methods somewhat interfere with the accurate classification of litigation. The system of classification has now been simplified by the Government of India, and figures are likely to be more trustworthy in future than they have been hitherto.

7. Suits for immoveable property have gone up by 171, and there has also been a small increase of rent suits. The increase is most marked in the Lower Chindwin, Myingyan, Minbu, and Meiktila. The Deputy Commissioner, Magwe, observes :—

"Land is now rising in value as the country is becoming settled, and the country-folk abandon all hope or wish for a change to their native rule."

In Yamèthin suits are said to be brought by the owners of land who were ousted at the annexation The Meiktila report states that the general tranquillity of the country has increased the value of land, and many people are now trying to regain land who slept on their rights in Burmese times In Pyinmana, too, land is said to be rapidly increasing in value. The number of suits for immoveable property has risen by 56 52 per cent. in the Lower Chindwin.

Suits for immoveable property are, as in previous years, almost confined to those districts in which the bobabaing or private tenure of land exists. In the Ruby Mines, where there is no such tenure properly speaking, not a single land suit was brought, and the same thing happened in Katha in regard to agricultural land for similar reasons. Such litigation is liable to fluctuate with the seasons, as in Minbu, where a rise of the river allowed a quantity of land to be cultivated which had lain fallow for a long time, with the result of a crop of adverse claims which had to be settled by the Courts. Mortgage suits are very common. The majority of mortgages are usufructuary, and a term of three seasons is usual, but redemption is not often effected at a fixed time.

8. Special arrangements were made in most districts for the trial of suits relating to immoveable property, but owing to a variety of circumstances it was not found possible to follow a single uniform plan, and District Officers were left, subject to the approval of their Commissioners, to do the best they could in the matter. Where it was found suitable, Subdivisional Officers were directed to try such cases, and generally this is perhaps the best arrangement if the Subdivisional Officer has sufficient experience and is not overburthened with other work. The civil judicial work of Subdivisional Officers, apart from land cases, would never take up much of their time. The Commissioner of the Southern Division (Mr. Copleston) is in favour of Subdivisional Officers trying all land cases if possible. In making such arrangements, some Deputy Commissioners were influenced by the desire to protect State interests in land and to prevent local Township Officers with land of their own, or with numerous relations and friends, or enemies among the thugyis or others in their townships, who possess land, from meddling with questions concerning immoveable property.

9. The advantage of arranging for the disposal of land suits by competent and disinterested tribunals is shown by the increase which takes place in such cases when this is done—in Minbu for example. The difficulty of dealing with land cases concerned with old titles does not diminish, and is inseparable from the nature of the subject. It is very important, therefore, that such cases should be properly tried from the commencement, as it is afterwards hard to rectify mistakes that have been made, without prejudice to one party or the other. Considerable pains have been taken to instruct the Subordinate Courts on the necessary points by means of circulars, revisions, and inspection, and an improvement has thus been effected. The Deputy Commissioner, Myingyan, writes:

"By dint of constant instruction in appeals and revisions, and in the course of inspections, the Myooks are beginning to understand the principles on which land suits should be decided. But these suits are still the most fertile source of appeals and revisions, and the Myook's decisions in them are seldom found to be wholly right, except by chance."

The incorrect treatment of documentary evidence is a fruitful source of trouble, and special directions have been issued in regard to the matter. Again, it is often difficult to tell exactly what land is the subject-matter of the suit and is included in the decree. This may cause harassment to the possessors of land by a repetition of litigation, the very same land being sued for twice over under a change of name. As the Commissioner Central Division observes:—

"It was found that many of the decrees of Lower Courts, owing to vagueness, were incapable of execution, and that further litigation of a very confused character was often necessary"

Rules were accordingly prescribed for the filing of proper plans, but they cannot be carried out as strictly as they ought to be for want of a sufficient number of qualified surveyors. Matters will doubtless improve, however, in this respect. An instance may be mentioned in which the land in dispute was 70 pès and 2 seiks, and, when it came to be surveyed and measured, was found to include an area of 608·25 acres = 347·57 pès Such looseness must in many

cases injuriously affect the court-fee revenue, and rules may be required in connection with the valuation of suits.

10. In connection with this subject the question of the treatment of parabaiks was under consideration during the year, and the only solution I could see my way to suggesting was that of a system of voluntary registration. The proposal was submitted to the local Government and has, I believe, been laid before the Government of India. I also recommended the extension of the Registration Regulation to the province generally after finding that nearly every officer was in favour of the measure. There would be no difficulty in opening a registration office at the headquarters of every township in which transfers of immoveable property take place. The requirement of registration would practically give no additional trouble to the people, and would afford a welcome safeguard in connection with transfers of land and interests in land. Some slight addition to the Regulation is wanted to provide for the voluntary registration of old parabaiks, and of modern documents of which registration is not compulsory.

11. Suits for immoveable property have decreased in Mandalay Town, and the following extract from the Civil Judge's report is interesting as showing the change that comes over the character of litigation under altered circumstances :—

"There has been a marked decrease in mortgage suits. Most of these suits are for sale of the mortgaged property ; foreclosure suits are very few The cause of this decrease is that loans by Chetties are not now made on mortgage of landed property so much as on the deposit of gold, gems, and jewellery. There is no trouble for registration ; expenses on this head and for stamps are saved ; there is less publicity ; there is less waste of time. The price of land is falling, and land is a depreciated and depreciating security. The naked simplicity of a promissory note and the deposit of a sealed parcel take the place of all the trouble, expense, and publicity of a mortgage of land. There is a counterfoil in the promissory note-book in which the security is noted, the pledge is examined, approved of, and sealed, and an anna adhesive stamp is all the expense. The decree-holder can also, in such a case, proceed much quicker to execution. In a mortgage decree he has to allow a time for redemption. I have thought it advisable in this connection to have an examination of registers of the Registration Department. I find that the mortgages of immoveable property were—

In 1890-91	157
In 1891-92	172

that is to say, there is an increase in such transactions. But then there may be a tendency this way which the statistics of litigation are not yet affected by, but which may be felt in future years All mortgages necessarily do not come into the Courts, and those that do come in some time not only after the transaction, but after the default. My information is that deposits of jewellery exceed mortgages of immoveable property on loan. Perhaps there may have been an upward tendency again in trade last year which will affect the Court returns hereafter. That is to say that both mortgages and loans on deposits are increasing."

12. The only other suits that call for notice are matrimonial cases, and the following extract from the Mandalay Civil Court report sufficiently explains their general character and object :—

"Cases for restitution of conjugal rights are not frequent among Burmese. They only resort to the Courts for the purpose of getting a divorce against the wish of the other party and when a lugyi is not sufficient to dissolve the lax marriage-tie. These cases often occur where Burmese women, chiefly of the poorest class, go through a form of conversion to Mahommedanism and a nikah marriage, of which they repent on the appearance of an eligible man of their own race, or where the parents of the wife detain her from her husband for black-mailing purposes.

As to divorces, of the cases filed, not 2 per cent. go to a final hearing. The wife generally brings the suit, but by the date of hearing for settlement of issues she has repented her of her act and fails to appear. The plaint generally is merely intended as a protest against too much domestic domination by the husband. The law unfortunately in these cases requires the document to be stamped with Rs. 10 A wise petition-writer, however, discovered that the same clearing up could be produced in the domestic atmosphere by a less expensive method, and the fashion then came to be for the injured wife to don her most seedy-looking garments and lay the suit *in formâ pauperis*. The same moral effect was produced when, on the eight-anna stamp a notice to show cause against the permission to sue was issued and the suit came to the same termination by neither party

appearing. Some of the suits do proceed and are also contested, though there are cases in which the husband comes in and agrees to a divorce without further palaver. In most cases, where there is a contest, the opposition is entered on ulterior grounds; where it is not actually contested not to lose hold over the wife, these grounds relate to the future division of property."

13. The table below shows the value of original suits:—

Division.	Name of district	Number of suits instituted not exceeding in value Rs. 10.	Rs. 20.	Rs. 50	Rs. 100.	Rs. 300.	Rs. 500	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Exceeding Rs. 10,000	Number of suits the value of which cannot be estimated in money.	Total value of suits
													Rs. A. P.
Northern.	Mandalay ...	65	...	181	38	..	53	1	1	...	...	...	23,580 0 2
	Bhamo ...	15		61	47	..	41	2	...	..	...	11	14,088 0 6
	Katha .. .	30	86	101	73	58	55	6	4	...	...	6	47,183 2 1
	Ruby Mines ..	11	18	38	18	30	6	...	...	...	...	1	5,073 13 10
	Shwebo ..	54	79	101	70	58	10	7	4	...	...	6	32,956 0 4
	Civil Court, Mandalay	2	2	14	13	13	9	64	30	3	3	48	1,92,104 11 11
		94	90	230	149	191	49	..	...	...	..	...	70,897 13 10
	Total ..	271	284	746	408	345	223	80	45	3	3	73	3,99,283 10 8
Central.	Ye-u ...	22	.	60	25	5	4	...	1	...	...	2	6,700 10 4
	Sagaing .	57	50	190	95	76	19	6	2	...	...	7	41,080 18 0
	Lower Chindwin .	73	72	161	104	80	4	4	3	...	.	19	42,397 0 9
	Upper Chindwin ..	55	27	108	67	14	54	1	...	...	...	8	26,723 8 0
	Total ..	207	155	585	291	181	81	11	6	...	...	36	1,17,811 0 1
Southern.	Myingyan	128	150	358	215	148	27	13	6	1	2	30	1,17,247 15 6
	Pakôkku	97	147	268	204	161	18	18	2	...	.	38	88,273 9 2
	Minbu	92	95	175	150	121	36	16	9	1	...	31	62,383 10 0
	Magwe	154	122	302	163	94	12	10	2	..	...	16	54,579 10 6
	Total ..	471	520	1,101	732	524	93	57	10	2	2	115	3,52,484 13 2
Eastern.	Kyankse ...	48	145	69	73	50	12	1	1	...	...	19	27,010 8 4
	Meiktila	125	122	284	162	128	6	3	2		.	14	55,933 6 3
	Yamèthin ...	97	142	249	187	185	32	20	5	...	...	20	98,279 8 9
	Pyinmana ...	61	80	154	135	173	40	29	5		..	19	94,426 2 7
	Total	331	480	756	557	536	90	53	13	...	..	73	2,75,658 9 9
	Grand Total	1,280	1,448	3,188	1,988	1,586	487	201	83	5	5	295	11,90,238 1 8
	In 1891 ...	1,145	1,380	2,729	1,903	1,474	264	149	97	13	4	257	10,87,620 12 0

The total value of litigation has increased by Rs. 51,608. The largest increase is in Katha, the Upper Chindwin, Minbu, Yamèthin and Pyinmana; and the largest decrease in the Civil Court, Mandalay and Myingyan. The number of suits of high value has again diminished. Suits under Rs. 50 in value have increased by Rs. 465.

The average value of suits has fallen from Rs. 115 to Rs. 108.

The Deputy Commissioner, Myingyan, thinks that the figures indicate a more general resort to the Courts in petty disputes which were formerly settled by arbitration, and as he regards it as undesirable that the Courts should oust the jurisdiction of the village headmen and elders in such cases, which used to give fair satisfaction with less expense and trouble to litigants than they have to undergo in coming to Court, he has, to arrest the tendency, prepared proposals for investing specially selected headmen with powers to try civil suits under the Village Regulation, but has kept them back till the local Government has given orders for the exclusion of land cases from the jurisdiction of village headmen. The effect of section 8A of the Village Regulation would seem to be rather to substitute a village for a township Civil Court than to restore the system to which the Deputy Commissioner refers. The defect of the old system, even under the Burmese Government, was the inability of the village tribunal to en-

force its decrees; consequently recourse had to be had, in former times, to some officer of Government having the necessary power, as now the aid of the Courts has to be invoked for the confirmation of an award. Under the Village Regulation the headman can be invested with the power of enforcing decrees.

In Mandalay 603 cases out of 1,019 were below Rs. 100 in value.

The Civil Judge remarks on the utility of the Small Cause Courts Act, and the Deputy Commissioner, Myingyan, suggests its extension to that town. It is a useful Act no doubt in the hands of an experienced Judge, but its provisions are not generally suitable in Upper Burma as yet.

14. The manner in which litigation was disposed of in the several Courts is shown below:—

Division.	Name of district.	Number of cases brought on the file including pending from last year.	Transferred.	Plaints rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	Contested cases. Judgment for plaintiff in whole or in part.	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Northern.	Mandalay	851	...	1	8	8	20	74	16	12	138	60	340	5	..
	Bhamo	200	6	1	17	..	32	46	10	...	67	10	190	4	4
	Katha	427	10	3	10	3	39	91	52	21	148	38	415	12	1
	Ruby Mines	126	1	...	20	.	15	34	12	1	80	12	124	2	..
	Shwebo	415	...	...	40	...	60	56	45	59	80	83	382	33	6
	Civil Court, Mandalay	233	...	4	10	5	19	34	48	1	34	45	200	24	..
		878	...	15	90	13	68	115	349	...	103	64	896	52	..
	Total ...	2,630	17	24	231	29	262	450	541	88	600	202	2,498	132	11
Central.	Yeu	182	...	1	15	...	37	3	18	2	37	18	131	1	...
	Sagaing	535	2	5	41	6	102	100	53	9	128	69	500	26	1
	Lower Chindwin	546	...	3	54	2	125	15	25	4	176	128	535	11	3
	Upper Chindwin	400	1	13	42	8	69	70	47	5	89	37	388	12	8
	Total ...	1,613	3	22	152	16	333	188	143	20	425	252	1,563	50	12
Southern.	Myingyan	1,109	4	8	200	12	180	72	112	3	315	158	1,063	46	3
	Pakôkku	978	10	4	90	36	158	98	64	24	255	102	809	79	13
	Minbu	747	2	4	77	5	179	80	40	8	189	102	705	42	15
	Magwe	904	9	2	243	12	100	105	61	11	160	72	863	41	1
	Total ...	3,738	25	18	610	65	623	440	283	46	919	491	3,530	208	32
Eastern.	Kyaukse	423	1	1	55	1	82	50	19	24	123	61	422	1	.
	Meiktila	884	...	7	132	10	111	48	118	15	200	104	636	48	31
	Yamèthin	983	1	6	37	2	74	50	79	75	374	239	955	28	53
	Pyinmana	726	3	2	74	28	58	165	126	17	161	78	709	17	..
	Total ...	3,016	5	16	298	41	325	319	342	131	918	440	2,922	91	86
	Grand Total ...	10,997	50	80	1,291	151	1,543	1,397	1,309	285	2,862	1,454	10,513	484	141
	In 1891	9,828	...	85	1,108	108	1,425	1,124	1,018	308	2,776	1,176	9,423	425	185

The percentage of contested cases for the last three years has been 40·2 in 1890, 42·03 in 1891, and 41·05 in 1892. The percentage of dismissals for default is much the same as before, namely, 12·28. In 1890 it was 12·09 and in 1891 11·78.

Dismissals for default are sometimes due to bad arrangements by Subordinate Judges in respect of tours They fix trials at inconvenient places, or they are absent from headquarters when they should be there. With few exceptions civil cases should all be tried at headquarters. The Commissioner, Eastern Division, thinks officers should arrange to be at their headquarters the first ten days of each month and fix the trial of civil cases during that time. But probably the cases entered as dismissed for default are mostly cases that have been settled in one way or other. As the Deputy Commissioner, Magwe, remarks, parties now begin to understand that they need not attend Court to register the conclusion of the case. The Civil Judge, Mandalay, thus explains the matter:—

"As a rule the parties had settled the case out of Court by actual payment in whole or in composition, and the plaintiff did not care to waste his time in coming to report satisfaction, or the plaintiff has agreed not to go on with the case and taken a fresh acknowledgment, and has not cared to ask to be allowed to withdraw his case. In a large number of these cases the process-servers are personally acquainted with the fact and notify it The satisfaction takes place on service of summons or after the parties have

met outside the Court, and in several proceedings a note of the report has been entered for future reference, if necessary, within brackets. Very few cases so dismissed have to be re-opened, and in such instances the fault is with the plaintiff as a rule. In most instances a case is not dismissed at the first calling unless some such report as above is made. It is called up over and over again during the course of the day, and it is only if the date has been mistaken, and the man is not merely late or inattentive, that he does not answer to his name and proceed with his case. This causes a great waste of time, and parties deserve to have their cases dismissed, but the delay that arises from having to re-open a case is greater."

So in *ex-parte* cases, the defendants, having no defence to make, abstain from making a public appearance in Court and from wasting time by attending merely to confess judgment. As to confession of judgment, Burmans readily confess judgment, and collusive confession is probably confined pretty much to Mandalay, where natives of India and people of mixed race are numerous. Cases are compromised most frequently perhaps in the Courts of men of local influence, who look on that as the most satisfactory way of settling matters between the parties.

The number of plaints rejected is comparatively large in the Upper Chindwin. The number of suits withdrawn is considerable in Pakôkku and Pyinmana. The proportion dismissed for default is high in Myingyan and Magwe.

The defendant was successful in a third of the contested cases. His success is generally most marked in the districts in which land suits are prevalent, and indicates how numerous are the attempts to disturb possession by means of old claims.

15. A certain number of the cases withdrawn, compromised, dismissed for default, &c., are referred to arbitration by the parties. Direct references to arbitration by the Courts are not very many.

The Deputy Commissioner, Meiktila, says they are neither encouraged nor discouraged. The Civil Justice Regulation does not provide for such references, and the question whether they are legal has been raised, but has not yet come before the High Court for final decision. The opinions of officers are not favourable to references to arbitration.

The Deputy Commissioner, Pyinmana, observes:—

"No cases were referred to arbitration. When people come to Court, they prefer to get the Court's decision. References to arbitration are usually made to avoid the trouble and delay of a suit in Court, but as references and awards are usually made in an informal manner, it is impossible to enforce them if they are not concurred in by both parties. Arbitration usually consists in arranging a compromise."

The Deputy Commissioner, Sagaing's view is similar:—

"Arbitration is resorted to a great deal in all sorts of cases. When people come to Court, it is clear they do not wish to have the case disposed of by arbitrators, but by the Court. I have at times asked why parties have not gone to the lugyis. The reply is 'We cannot agree to the lugyis,' 'We do not trust the lugyis,' 'We want an order from a Court,' and so on. I feel convinced that if people do not care to come to Court they will not, and, if they do come, they should not be referred back, as there must be some reason for their coming to Court."

The Civil Judge, Mandalay, writes:—

"The column referred to arbitration is, I am happy to see, blank. Arbitration is a delusion and a snare. It never comes to anything and only increases work. The award, when made, is generally so outrageously opposed to all law and common sense as not to be compressible into a decree, or the losing party, or both, throw dirt at all and several of the arbitrators engaged, alleging partiality, drunkenness at the time of award, bribery, or anything else to make it come to nothing, and perhaps they are not always wrong."

In some instances it would seem that the parties resort to arbitration when they get tired of waiting for the Court to take up their cases. Perhaps there is some survival of the practice which used to be followed by officers of the Burmese Government of referring questions of law to the kôns or experts. Another reason for going to arbitration may be the desire of a party of good social position to avoid taking an oath in Court, which is repugnant to Burmans of standing. If the Courts do their duty, it should be unnecessary to call in the aid of arbitrators. The recent establishment of a Chamber of Arbitration in

London is not supposed to reflect credit on the English Courts. If competent and trustworthy arbitrators were forthcoming, there might be some sense in going from the Courts to obtain their awards; but the recent language of a member of the English Bench may be used in regard to arbitration in Burma, when he described the system in England as "grotesque justice," and wrote of "the hazardous and mysterious chances of arbitration, in which some arbitrator "who knows about as much of law as he does of theology, by the application of "a rough and ready moral consciousness, or upon the affable principle of divid-"ing the victory equally between both sides, decides intricate questions of law "and fact with equal case."

16. The average duration of suits in the Courts of Original Jurisdiction was as follows:—

Division.	Name of district.	Average duration of suits			
		For previous year.		For year of report.	
		Contested.	Uncontested.	Contested.	Uncontested.
		Days	Days.	Days.	Days.
Northern.	Mandalay	12	10	15	5
	Bhamo	10	12	10	12
	Katha	15	7	13	8
	Ruby Mines	12	7	20	12
	Shwebo	33	16	28	19
	Civil Court, Mandalay ...	83	68	68	43
		18	15	20	22
	Total ...	24	20	22	19
Central.	Ye-u	17	16	20	21
	Sagaing	20	12	18	9
	Lower Chindwin	18	11	18	14
	Upper Chindwin	16	16	14	13
	Total ...	19	13	17	13
Southern.	Myingyan	25	15	21	13
	Pakôkku	14	11	19	13
	Minbu	38	20	29	15
	Magwe	16	10	17	12
	Total ...	23	14	22	13
Eastern.	Kyaukse	20	12	13	7
	Meiktila	24	14	22	14
	Yamethin	17	12	16	10
	Pyinmana	19	11	22	13
	Total ...	20	12	18	12
	Grand Total ...	22	15	20	14

The average duration of suits, which was 22 for contested and 15 for uncontested cases in 1891, was in 1892 20 and 14 respectively, so that there has been an improvement The duration of uncontested cases has been raised, in the opinion of the Commissioner, Southern Division, because of greater care being taken to ascertain that summons has been formally served. If this view is correct, the increase of duration is very proper, for there has certainly been a tendency in some Courts to hastiness in the disposal of *ex-parte* cases.

Some Township Judges try to reduce the average duration by disposing of certain cases with great promptitude, and this leads to their giving very short notice to defendants, who must, occasionally at least, be inconvenienced by want of time for preparing their defence. Attention has had to be called to this matter in many districts.

The Deputy Commissioner, Ye-u, thinks that average duration could be reduced by more method in fixing dates of hearing, and this is no doubt so. Bad arrangements of course involve postponements.

The Deputy Commissioner, Mandalay, considers that there is a tendency to adjourn cases on trivial grounds, especially when the convenience of the Advocate and not the suitor is concerned. The number of qualified Advocates in practice is still small, however, and it is not possible in fairness to the clients to avoid making adjournments occasionally to allow of the attendance of Advocates. This difficulty is often felt even in Mandalay Town. Average duration is increased by cases delayed through exceptional causes, by changes of officers, by the necessities of revenue and other duties, by the largeness of the area of jurisdiction, by imperfect communication, and by difficulties in the service of process out of the jurisdiction. This last cause is particularly operative in the Civil Court, Mandalay.

If District Officers will see that a reasonable time is allowed to defendants, that trials are fixed at convenient times and suitable places, and that fixed dates are adhered to and unnecessary postponements are not permitted, there will probably be no ground for complaint against the Subordinate Courts on the score of delay in the disposal of the cases that come before them.

17. The following table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year.	Decrees completely satisfied.	Decrees partially satisfied.	Pending at the close of the year.
Northern.	Mandalay	86	46	11	11
	Bhamo	14	7	4	...
	Katha	48	24	5	4
	Ruby Mines	46	23	9	4
	Shwebo	111	45	32	21
	Civil Court, Mandalay ...	202	62	79	13
		251	109	58	15
	Total ...	758	316	198	68
Central.	Ye-u	16	12	2	1
	Sagaing	100	50	24	17
	Lower Chindwin	45	25	16	3
	Upper Chindwin	44	26	5	9
	Total ...	214	113	47	30
Southern.	Myingyan	230	123	60	25
	Pakkôku	158	83	24	17
	Minbu	121	82	17	8
	Magwe	145	93	16	13
	Total ...	654	381	117	63
Eastern.	Kyaukse	46	27	14	2
	Meiktila	209	126	18	19
	Yamèthin	209	156	20	13
	Pyinmana	173	70	41	19
	Total ...	637	379	93	53
	Grand Total ...	2,263	1,189	455	214
	In 1891	1,832	929	400	167

18. Processes in execution were issued as follows:—

Division.	Name of district.	Mode of execution.						Order under section 248, Civil Procedure Code
		Delivery of possession.	Imprisonment of person.	Moveable property		Immoveable property		
				Attached.	Sold.	Attached.	Sold.	
Northern	Mandalay	12	...	19	9	8	8	...
	Bhamo	...	...	7	2	2	...	...
	Katha	8	..	16	9	1	...	...
	Ruby Mines	...	...	11	7	11	..	...
	Shwebo	2	...	25	35	1	14	...
	Civil Court, Mandalay ...	33	5	12	25	14	41	...
		47	6	18	63	...	...	...
	Total ...	97	11	103	150	37	58	...
Central.	Ye-u	1	...	5	3	..	...	...
	Sagaing	8	...	22	12	10	12	...
	Lower Chindwin	7	...	21	1	9	3	...
	Upper Chindwin	3	...	6	13	1	1	.
	Total ...	19	...	54	29	20	16	..
Southern.	Myingyan	24	...	88	30	14	27	...
	Pakôkku	8	...	36	13	42	6	...
	Minbu	14	...	37	9	19	5	...
	Magwe	5	...	46	4	23	15	..
	Total ...	51	...	207	56	98	53	
Eastern.	Kyauksè	...	...	34	1	2	...	...
	Meiktila	9	...	112	7	9	4	...
	Yamèthin	25	...	72	5	60	14	
	Pyinmana	9	...	42	19	27	14	...
	Total ..	43	..	260	32	98	32	.
	Grand Total .	210	11	621	267	253	159	...
	In 1891	245	4	465	243	203	114	...

The number of applications for execution of decree increases as the procedure becomes more familiar to the people. In the majority of cases proceedings terminate with the passing of the decree, and the judgment-debtor complies with the orders. Even where execution is taken out, there is seldom need to proceed to extremities, satisfaction being made at once, mostly out of Court.

Comparatively few sales of attached property are requisite. In the larger towns, with their mixed and shifting population, the case is somewhat different, and there is naturally a larger proportion of infructuous decrees. In Mandalay alone can decrees be enforced by the imprisonment of the debtor. The Civil Judge says that—.

"The opening of a debtors' jail has facilitated the execution of decrees. If a judgment-debtor who happens to be a man hides his attachable property, a warrant of arrest is taken out; if it be a woman, of course the case is different, but the litigation is chiefly against men. It has also saved the fraudulent transfer of property as much as the Registration and Stamp Acts have done, and decreased work in that connection such as intervenor cases and regular suits arising therefrom."

The Judge goes on to suggest that the exemption of a woman from imprisonment for debt is a mistake in a country like Burma, where the whole petty retail trade is carried on through women. Advantage is taken of this practice by those who are not pure Burmans; the woman has recourse to a fraudulent bankruptcy

and cannot be touched personally, and the goods or proceeds of the stock-in-trade are secreted by the husband or brothers. The number of imprisonments for debt was only 11. In some cases, the Judge says, the parties paid up as soon as sent to jail; in others there was nothing forthcoming and the judgment-creditor, seeing the uselessness of throwing good money after bad, refrained from paying more subsistence money; and in others the parties made application for the protection of the insolvency provisions of the Code.

II.—Appellate Jurisdiction.

19. The following table shows the number and result of appeals preferred to the District or Deputy Commissioners' Courts from the decrees of Subordinate Courts, the number pending at the close of the year, and the average duration of appeals:—

Division.	Appellate Court.	Number of appeals preferred.	Number of appeals disposed of.						Pending.		Average duration of appeals.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Over three months	Total.	
Northern.	Mandalay	19	12	...	...	6	...	18	...	1	19
	Bhamo	4	4	...	...	...	...	4	...	...	20
	Katha	6	3	...	1	2	...	6	...	...	34
	Ruby Mines ...	4	2	...	...	2	...	4	...	...	39
	Shwebo ...	17	10	1	...	4	...	15	...	2	23
	Total ...	50	31	1	1	14	...	47	...	3	24
Central.	Ye-u ...	6	3	...	...	3	...	6	...	...	26
	Sagaing	35	20	2	...	12	...	34	...	1	20
	Lower Chindwin ...	22	14	2	..	6	...	22	...	...	50
	Upper Chindwin ...	12	11	...	...	1	...	12	...	...	24
	Total ...	75	48	4	...	22	...	74	...	1	30
Southern.	Myingyan	96	59	11	...	24	...	94	...	2	19
	Pakôkku	39	27	5	...	7	...	39	...	...	29
	Minbu ...	86	44	14	...	24	...	82	..	4	25
	Magwe	27	13	1	...	12	...	26	...	1	26
	Total ...	248	143	31	...	67	...	241	...	7	23
Eastern.	Kyauksè	25	14	2	3	6	...	25	...	...	9
	Meiktila	44	11	1	...	10	4	26	4	18	39
	Yamèthin	72	36	4	2	16	...	58	...	14	51
	Pyinmana	53	34	4	...	10	...	48	...	5	34
	Total ...	194	95	11	5	42	4	157	4	37	39
	Grand Total ...	567	317	47	6	145	4	519	4	48	28
	In 1891 ...	585	322	42	16	146	31	557	8	28	31

The table does not include the figures for Subdivisional Courts invested with appellate powers, of which there was only one last year.

20. The following table shows the number and result of applications in revision preferred to the District or Deputy Commissioners' Courts from

the decrees of Subordinate Courts, the number pending at the close of the year, and the average duration of applications in revision :—

Division.	Appellate Court.	Number of applications for revision preferred.	Number of applications for revision disposed of.						Pending.		Average duration of applications for revision.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Over three months.	Total.	
Northern.	Mandalay ...	18	14	...	...	1	3	18	...	...	13
	Bhamo ...	2	2	...	...	...	...	2	...	...	10
	Katha ...	5	4	1	...	...	...	5	...	...	11
	Ruby Mines ...	1	1	...	...	...	...	1	...	...	1
	Shwebo ...	...	...	...	...	...	...	...	...	...	...
	Total ...	26	21	1	...	1	3	26	...	...	11
Central.	Ye-u ...	10	5	...	...	5	...	10	...	...	19
	Sagaing ...	45	21	2	...	20	...	43	...	2	26
	Lower Chindwin ...	11	9	1	...	...	1	11	...	...	26
	Upper Chindwin ...	6	2	1	...	1	2	6	...	...	27
	Total ...	72	37	4	...	26	3	70	...	2	26
Southern.	Myingyan ...	58	38	3	...	12	...	53	...	5	25
	Pakôkku ...	31	22	...	2	6	...	30	...	1	15
	Minbu ...	33	19	...	11	3	...	33	...	...	23
	Magwe ...	24	17	...	...	7	...	24	...	...	23
	Total ...	146	96	3	13	28	...	140	...	6	24
Eastern.	Kyauksè ...	24	16	1	...	3	...	20	...	4	...
	Meiktila ...	59	25	...	...	10	...	35	...	24	27
	Yamèthin ...	74	47	3	2	12	...	64	...	10	44
	Pyinmana ...	19	14	...	1	1	...	16	...	3	16
	Total ...	176	102	4	3	26	...	135	...	41	30
	Grand Total ...	420	256	12	16	81	6	371	...	49	31

21. The following table shows together the number and result of appeals and applications in revision preferred to the District or Deputy Commissioners' Courts from the decrees of Subordinate Courts :—

Division.	Appellate Court.	Number of appeals preferred.	Number of appeals disposed of.						Pending.	
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Over three months.	Total.
Northern.	Mandalay	37	26	...	...	7	3	36	...	1
	Bhamo	6	6	...	...	...	...	6	...	...
	Katha	11	7	1	1	2	...	11	...	...
	Ruby Mines	5	3	...	...	2	...	5	...	...
	Shwebo	17	10	1	...	4	...	15	...	2
	Total ...	76	52	2	1	15	3	73	...	3
Central.	Ye-u	16	8	...	...	8	...	16	...	...
	Sagaing	80	41	4	...	32	...	77	...	3
	Lower Chindwin	33	23	3	...	6	1	33	...	...
	Upper Chindwin	18	18	1	...	2	2	18	...	...
	Total ...	147	85	8	...	48	3	144	...	3

Division.	Appellate Court.	Number of appeals preferred.	Number of appeals disposed of. Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total	Pending. Over three months.	Total.
Southern.	Myingyan	154	97	14	...	36	...	147	...	7
	Pakôkku	70	49	5	2	13	...	69	...	1
	Minbu	119	63	14	11	27	...	115	...	4
	Magwe	51	30	1	.	19	...	50	...	1
	Total ...	394	239	34	13	95	..	381	...	13
Eastern.	Kyauksè	49	30	3	3	9	...	45	...	4
	Meiktila	103	36	1		20	4	61	4	42
	Yamèthin	146	83	7	4	28	...	122	...	24
	Pyinmana	72	48	4	1	11	...	64	...	8
	Total ...	370	197	15	8	68	4	292	4	78
	Grand Total ...	987	573	59	22	226	10	890	4	97

The results of appeal and revision may be taken together as practically the same thing. The Deputy Commissioner, Magwe, alone has entered under the head of revision a number of cases which he called for without application for the purpose of examination to satisfy himself as to the correctness of procedure, &c. But these cases have now been struck out, leaving only those which were revision cases proper. Cases have to be taken up in revision because of the limitation imposed on appeal by the Civil Justice Regulation. There is generally more interference in appeal than in revision because in the former complicated land cases are more common, while in the latter, cases of a simpler kind have more frequently to be dealt with. This would not, however, apply to the High Court, where most of the revision cases are land cases. The remarks of the Deputy Commissioner, Minbu, about the Dabwin Court are applicable to some other Courts and help to explain some causes of the need for interference in appeal or revision. He says that interference in this Court is due to the desire of the Myoôk to please both parties, and to his giving decisions affording relief partially where he should either not have given it at all or should have given it altogether. The largest proportion of interference has been called for in Minbu and Sagaing.

The number of pending appeals and revisions in Meiktila was somewhat large owing to special demands on the Deputy Commissioner's time. The Deputy Commissioner, Chindwin, has explained that the duration of 50 days for appeals in his district was due to exceptional causes. The duration of 51 days in Yamèthin has not been accounted for, nor has that of 44 days for revision cases.

22. The following table shows the number and result of appeals to Commissioners' Courts from the decrees of the Deputy Commissioners' or District Courts, the number of appeals pending at the close of the year, and the average duration of appeals:—

Appellate Court.	Number of appeals preferred.	Number of appeals disposed of. Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Pending. For more than three months.	Total.	Average duration of appeals.
Commissioner, Northern Division	...	...	...	...	...	...	...	...	...	...
Commissioner, Central Division ...	1	...	...	...	...	...	...	...	1	...
Commissioner, Southern Division	1	1	...	...	..	...	1	...	...	1
Commissioner, Eastern Division	...	...	...	...	...	...	...	...	...	...
Total ...	2	1	...	...	...	...	1	...	1	1
In 1891	2	2	...	...	...	...	2	...	...	...

23. The following table shows the number and result of regular appeals preferred in the Court of the Judicial Commissioner, Upper Burma :—

Division.	Court from whose decision appeal was made.	Number of appeals preferred.	Number of appeals disposed of.						Pending.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	
Northern	District Judge, Shwebo ...	1	..	...	...	1	...	1	...
	Civil Judge, Mandalay ...	28	14	6	...	5	1	26	2
	Total ...	29	14	6	...	6	1	27	2
Central	District Judge, Sagaing ..	3	1	1	...	...	...	2	1
	District Judge, Lower Chindwin	1	...	1	...	...	...	1	..
	Township Officer, Mônywa ...	1	1	...	...	...	...	1	..
	Total ...	5	2	2	...	...	...	4	1
Southern	District Judge, Minbu ...	1	1	...	...	...	..	1	...
	District Judge, Magwe ...	1	1	...	...	...	...	1	...
	Total ...	2	2	...	...	...	...	2	...
Eastern ...	District Judge, Pyinmana ...	2	...	...	...	1	...	1	1
	Total ...	2	...	...	...	1	...	1	1
	Grand Total ..	38	18	8	..	7	1	34	4
	In 1891	42	21	...	...	16	3	40	2

Except from the Civil Court, Mandalay, the number of appeals is small, which shows how few suits exceed Rs. 1,000 in value.

24. The following table shows the number and results of miscellaneous appeals and applications preferred to the Court of the Judicial Commissioner :—

Division.	Court from whose decision the appeal was made.	Number of appeals and applications preferred.	Number of appeals disposed of.						Pending.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	
Northern	Judicial Commissioner, Upper Burma ..	6	6	...	...	...	...	6	...
	Commissioner, Northern Division ...	1	...	...	...	...	1	1	...
	Deputy Commissioner, Mandalay ...	1	...	...	...	...	1	1	...
	Deputy Commissioner, Bhamo ...	1	1	...	...	...	...	1	...
	Deputy Commissioner, Katha ...	2	1	...	...	...	1	2	..
	Civil Judge, Mandalay	13	3	...	...	2	8	13	...
	Subdivisional Officer, Shwebo ...	1	...	...	...	...	1	1	...
	Subdivisional Officer, Mogôk ...	1	..	...	...	...	1	1	...
	Total ...	26	11	...	...	2	13	26	...
Central.	Deputy Commissioner, Sagaing ...	2	...	...	...	...	2	2	...
	Total ...	2	...	...	...	...	2	2	...
Southern.	Deputy Commissioner, Myingyan ...	3	1	..	...	1	1	3	...
	Deputy Commissioner, Pakôkku ...	1	...	...	...	...	1	1	...
	Total ...	4	1	..	...	1	2	4	...
Eastern.	Deputy Commissioner, Kyaukse ...	1	...	...	..	...	* 1	1	...
	Deputy Commissioner, Yamèthin ...	4	...	...	...	...	3	3	1
	Deputy Commissioner, Pyinmana ...	1	1	...	...	...	..	1	...
	Total ...	6	1	...	...	...	4	5	1
	Grand Total ...	38	13	...	...	3	21	37	1
	In 1891	38	10	1	2	4	20	37	1

Most of these are applications of various kinds, such as for review of judgment, references, &c.

25. The following table shows the number and result of applications for revision preferred to the Judicial Commissioner, Upper Burma, including those pending from last year:—

Division.	Court for revision of whose decision application was made.	Number of applications preferred.	Number of applications disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of	Total.	Pending.
Northern.	Commissioner, Northern Division ...	1	1	...	...	...	...	1	..
	District Judge, Mandalay	10	3	...	...	4	...	7	3
	District Judge, Bhamo	1	1	...	...	..	...	1	...
	District Judge, Katha	1	..	...	...	..	...	...	1
	District Judge, Shwebo	5	4	.	1	...	...	5	...
	Civil Judge, Mandalay	20	13	1	...	5	...	19	1
	Court of Small Causes, Mandalay ..	1	1	...	.	...	...	1	...
	Cantonment Court of Small Causes, Mandalay.	2	2	...	..	...	...	2	...
	Subdivisional Officer, Shwebo ...	1	...	..	...	1	...	1	...
	Total ...	42	25	1	1	10	...	37	5
Central.	Commissioner, Central Division ...	1	...	...	..	...	...	...	1
	District Judge, Ye u ..	1	...	...	...	...	...	...	1
	District Judge, Sagaing	27	15	2	3	6	...	26	1
	District Judge, Lower Chindwin ...	4	2	...	...	2	...	4	...
	District Judge, Upper Chindwin ...	1	...	...	...	...	...	...	1
	Total ...	34	17	2	3	8	...	30	4
Southern.	District Judge, Myingyan	70	40	4	1	20	...	65	5
	District Judge, Pakôkku	15	7	2	...	4	...	13	2
	District Judge, Minbu	10	7	...	...	2	...	9	1
	District Judge, Magwe	3	1	...	...	...	...	1	2
	Assistant Commissioner, Taungdwingyi ..	2	2	...	...	...	...	2	...
	Subdivisional Officer, Yenangyaung	1	..	1	...	...	..	1	...
	Subdivisional Officer, Pakôkku ..	1	...	...	...	1	...	1	..
	Total ...	102	57	7	1	27	..	92	10
Eastern.	Commissioner, Eastern Division ...	4	1	...	...	3	...	4	...
	District Judge, Kyauksè	19	10	5	..	4	...	19	..
	District Judge, Meiktila	8	4	3	..	...	...	7	1
	District Judge, Yamethin	52	36	1	...	8	...	45	7
	District Judge, Pyinmana	3	...	1	...	...	...	1	2
	Subdivisional Officer, Kyauksè ...	2	1	...	...	1	...	2	...
	Subdivisional Officer, Mahlaing ..	1	1	...	...	...	...	1	...
	Total ...	89	53	10	...	16	...	79	10
	Grand Total ...	267	152	20	5	61	...	238	29
	In 1891	209	155	7	4	25	3	194	15

The number of applications for revision has increased from 209 to 267. Of 238 cases disposed of the decree was confirmed in 152 without alteration, which gives a percentage of 64. The amount of interference found necessary is not large under the circumstances. Generally the most intricate cases come up in revision, and the Lower Appellate Courts have many difficulties to deal with. The ignorance of the parties, and frequently their tricks and subterfuges; the omissions and mistakes of the Courts of first intance, the meagreness of evidence, the loose production of documents with little proof or none, and the use of secondary evidence discovered at the last moment to be inadmissible; the confusion of previous litigation and the intricacy of resulting claims, the laxness of the Burmese judicial system, the want of finality about its decisions, and the strife of contending rivals alternately gaining or losing a cause according to therise or decline of their local power and influence; the conflicting and uncertain rules of Buddhist law, the variations in different parts of the

country and the absence of fixed principles; and the unfamiliarity of many of the conditions to which have to be applied rules of law or equity in respect of the transfer of property, contract, and limitation, with as yet but little guidance from published law reports or appropriate text-books, go together to make up a tangle of difficulties through which it is not easy for any one to make way. Gradually leading principles are being laid down and instructions given which will facilitate the application of the law to a state of things to which the Courts have previously been unaccustomed. Endeavours have been made to ascertain the writings on Buddhist law most commonly accepted as authoritative, and a translation has been prepared of the Attathankepa or Digest of the Dhammathats in use under the late Burmese Government, and will be published soon. At first there was probably too much tendency to accept stale claims without sufficient proof and to disturb existing and often long-continued possession. The Burmese Judge seems naturally to have a partly religious, partly sentimental, leaning in favour of an ancient claim, that is, when it affects somebody else, for personally he would resist it as strenuously as another. English Judges are usually stricter, but not unfrequently they too have overlooked the rights of possession. Trouble would often be saved to parties if the Lower Appellate Courts would always write full judgments disposing of all the points in a case. Applications for revision have frequently to be admitted because the Lower Appellate Court's judgment fails to show whether the questions that arise have been duly considered or not. It is desirable to be in a position to reject applications that are not well-founded without troubling the respondent at all. If the record has to be obtained before it can be decided whether an application should be admitted or not, the applicant is generally obliged to attend a second time, and, as the lesser ultimate inconvenience, it is usually better to give notice to the respondent if the record is called for.

26. The following table shows the financial results of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts:—

Division.	Name of district.	Number of processes issued.	Receipts from process-fees.			Charges including salaries of process-servers, contingencies, &c.		
			Rs.	A.	P.	Rs.	A.	P.
NORTHERN ...	Mandalay	785	551	0	0	1,640	0	0
	Bhamo	888	224	0	0	4,822	11	8
	Katha	1,069	617	8	0	544	0	0
	Ruby Mines	270	195	8	0	2,225	15	6
	Shwebo	878	647	0	0	1,531	8	0
	Civil Court, Mandalay	3,187	2,262	8	0	1,632	7	6
	Total ...	6,522	4,500	8	0	12,396	10	8
CENTRAL ...	Yo-u	221	159	8	0	1,104	0	0
	Sagaing	1,410	950	8	0	176	0	0
	Lower Chindwin	1,361	912	8	0	1,201	9	4
	Upper Chindwin	781	419	0	0	874	14	7
	Total ...	3,723	2,441	8	0	3,356	7	11
SOUTHERN ...	Myingyan	3,258	2,688	0	0	1,284	4	4
	Pakôkku	2,321	1,513	0	0	1,312	0	0
	Minbu	2,765	1,986	12	0	1,592	4	11
	Magwe	2,606	1,849	8	0	1,192	0	0
	Total ...	10,950	7,037	4	0	5,380	9	3
EASTERN ...	Kyaukse	1,070	686	8	0	1,562	13	0
	Meiktila	1,643	1,346	12	0	853	2	0
	Yamèthin	2,942	2,380	8	0	1,136	0	0
	Pyinmana	2,984	2,049	0	0	384	0	0
	Total ...	8,639	6,412	12	0	3,935	15	0
	GRAND TOTAL ...	29,834	21,292	0	0	25,019	10	5
	In 1891	24,184	17,255	8	0	26,093	2	11

Process-fees have increased by Rs. 4,036-8-0, while charges have decreased by Rs. 1,073-8-6. The enquiries made regarding the variations in the amount of charges between district and district in 1891 have shown that no uniform system of calculation was followed. Consequently the cost of process appeared to differ excessively from place to place.

The process-serving establishment has hitherto been very small and has consisted of only two or three men in each district, attached almost always to the headquarters Courts. A scheme has now been drawn up and approved by the local Government for the employment of a regular process-serving staff for both the Judicial and Revenue Departments, and the requisite establishment will be entertained during the current financial year.

27. The cost of litigation for the past three years has been as follows :—

Percentage of costs to value of—

	Original suits.	Appeals.
1890	11·52	6·98
1891	11·25	10·68
1892	12·66	14·02

28. In conference with the Judicial Commissioner, Lower Burma, arrangements were made towards the end of the year to relieve the Courts of the preparation of quarterly returns. They now only send in annual and monthly returns. The Civil Courts have only one monthly statement to prepare, a simple return showing the work done during each month.

29. Outside the town of Mandalay the procedure of the Civil Courts continued to be governed by the Civil Justice Regulation. A draft Regulation for introducing the Code of Civil Procedure and supplementing it with the provisions required for the Courts in Upper Burma was prepared in the middle of the year and submitted to the local Government. The general plan was approved, but some of the details are still under consideration. The Civil Justice Regulation is no longer adapted to the wants of the province, for which a fuller and more complete law of procedure is needed.

30. During the year the attention of District Judges had to be drawn to the Administrator-General's Act and the Indian Succession Act with respect to the procedure in the case of the estates of deceased persons.

31. The rules relating to the qualifications and enrolment of Advocates have been revised, and the Educational Syndicate, Lower Burma, has been good enough to undertake the conduct of the examinations in future.

32. The following table shows the amount of inspection work done by the several classes of Judicial Officers :—

Name of district.	District Courts inspected by			Subdivisional Courts inspected by			Township Courts inspected by			
	Judicial Commissioner.	Commissioner.	Deputy Commissioner.	Judicial Commissioner.	Commissioner.	Deputy Commissioner.	Judicial Commissioner.	Commissioner.	Deputy Commissioner.	Subdivisional Officer.
Mandalay	...	1	...	...	1	4	...	1	6	...
Bhamo	...	1	...	...	2	4	...	...	4	...
Katha	...	*1	...	...	1	7	...	...	11	2
Ruby Mines	...	...	...	...	...	1	...	...	2	2
Shwebo	1	2	...	2	...	2	8	...	4	3
Total ...	1	5	...	2	4	18	8	1	27	7

* Inspected by Deputy Commissioner.

Name of district.	District Courts inspected by			Subdivisional Courts inspected by			Township Courts inspected by			
	Judicial Commissioner.	Commissioner.	Deputy Commissioner.	Judicial Commissioner.	Commissioner.	Deputy Commissioner.	Judicial Commissioner.	Commissioner.	Deputy Commissioner.	Subdivisional Officer.
Ye-u	1	1	...	2	2	1	5	...	4	...
Sagaing	1	...	...	1	...	4	4	...	10	6
Lower Chindwin	1	...	...	1	1	2	4	8	8	2
Upper Chindwin	...	...	...	1	1	3	...	...	6	8
Total ...	3	1	...	5	4	10	13	8	28	16
Myingyan	1	1	...	2	1	2	5	1	12	4
Pakôkku	1	1	...	1	1	3	*3	2	8	3
Minbu	1	1	...	...	...	3	3	...	8	...
Magwe	1	1	...	1	4	2	1	1	4	4
Total ...	4	4	...	4	6	10	12	4	32	11
Kyaukse	1	1	...	2	...	1	4	...	4	2
Meiktila	...	2	...	...	2	2	...	1	5	3
Yamèthin	1	1	...	1	1	2	2	1	2	3
Pyinmana	1	1	...	1	1	...	1	2	3	...
Total ...	3	5	...	4	4	5	7	4	14	8
Grand Total of Courts inspected by Judicial Officers.	11	15	...	15	18	43	35	12	101	42

The table above shows the amount of inspection work that has been done, and it will be seen that it has been considerable.

All Commissioners have paid much attention to this matter, while most Deputy Commissioners and some Subdivisional Officers have also taken great pains about it. The inspection notes are forwarded through superior officers to me, and have naturally been of much assistance in supplementing the acquaintance with the Courts acquired by personal inspections. In this way few points have escaped notice, and it has been possible to issue general rules and instructions as required. The Commissioner, Eastern Division, directed Deputy Commissioners and Subdivisional Officers to sit in Court with Myoôks and show them how things should be done, and he has sent a return of the number of times instruction was given in this way. The Commissioner, Central Division, also refers to the benefit of oral teaching of this kind, and I have pointed out its advantages in a circular. I have suggested that Burmese officers might be collected together at the same time twice or thrice a year at district headquarters, where the Deputy Commissioner could explain to them all at once points upon which they are apt to go wrong and make them understand additions to, or alterations of, the law as they are introduced.

The points which have been most frequently found to require attention have been brought to notice in a circular. Under the constant supervision they have received, the Courts may be said to have made a distinct advance.

The district record-rooms were not in good order at one time, but there has now been great improvement.

The destruction of records has now been begun under rules that have been framed on the subject.

* Includes one Bench of Honorary Magistrates.

The Courts I found in the best order on the whole were those of—

Minbu.	Headquarters.
Magwe.	
Sagaing.	
Pyinmana.	
Yamèthin.	
Salin	Subdivisions.
Yenangyaung.	

Shwebo has improved.

Since the close of the year I have inspected all the Courts in Meiktila district and found them for the most part very good. The Subdivisional Court, Mahlaing, especially was nearly all that a Court should be. This state of things is highly creditable to the Deputy Commissioner (Captain Cronin) and his officers. The Commissioner, Eastern Division, takes special pains with inspection, and the results are gratifying. Many of the Township Officers in Meiktila are Upper Burman Myoôks. They take trouble to master law and procedure, some of them buying law books for themselves.

Mention is also made by the Deputy Commissioner, Lower Chindwin, of the steady improvement of Upper Burman officers. Some of the older men cannot be expected to learn much now, but they still do fair work. One Deputy Commissioner writes of them: "As a rule Burmese Judges seem very intelli-"gent in collecting facts. All the circumstances connected with a suit are gener-"ally grasped quicker perhaps than by a European Judge. Burmese Judges "are, I think, weak in their deductions and sometimes are led away by old "saws. Old saws have often a lot of common sense in them, but they cannot be "consulted with safety at all times, especially if they are not applicable."

With one or two exceptions I found the Courts accommodated in good buildings. New court-houses are required at a few places and additions or repairs at some others. Witness-sheds will have to be provided at some court-houses, Mandalay perhaps among the number. Difficulties are still felt in obtaining competent clerks, especially in such districts as the Ruby Mines and Bhamo. Some of the best clerks are Upper Burmans, and it is very desirable that more of them should be trained to the work.

Mention may be made of court-fee stamps in this place,. Perhaps the facilities for the public procuring them are not always as good as they might be Even in Mandalay there has been complaint on this head, and in an out-station a case occurred in which a volunteer clerk was able to make a petitioner pay twice its value for a stamp he wanted.

33. Commissioners were asked to notice the way in which the officers serving in their divisions have performed their judicial duties, but they have not been able to do so fully. The amount of civil judicial work in the Courts of the Northern Division, except in the Civil Court, Mandalay, is hardly enough to give officers an opportunity of showing their aptitude. The Commissioner, Eastern Division, mentions the following officers with commendation:—

Mr. A. S. Fleming, Deputy Commissioner, Pyinmana.
Maung Po Sa, Subdivisional Officer, Pyawbwè.
Maung Kin, Subdivisional Officer, Wundwin.
Maung Pu Le, Myoôk, Paunglaung.
Maung Kyè, Myoôk, Yamèthin.
Maung Tha Aung, Myoôk, Meiktila.
Maung Shaung, Myoôk, Myittha.
Maung Tha Bu, Myoôk, Singaing.

Mr. Carmichael had a good deal of civil work in Yamèthin. The Commissioner, Central Division, has not specially mentioned any officers, but his inspection notes say that the Court of the Deputy Commissioner, Lower Chindwin (Major Eyre), was in very good order, and that of the 1st class Magistrate, Mônywa (Mr. Barry), very satisfactory. Major Eyre has done much good by the instruction he has given Subordinate Courts.

The Deputy Commissioner, Myingyan, says that no interference was found necessary with any of the cases of the Myoôk of Sattein (Maung Myit) which came up in appeal and revision. Besides Maung Myit he speaks of Mr. Macdonald, Subdivisional Officer, Myingyan; Maung Po Lwe, Myoôk of Kyaukpadaung; and Maung Ba O, Myoôk of Natogyi, as taking most pains with their judicial work. Mr. Shaw, who was in charge up to 24th August last, had heavy appellate work. The Deputy Commissioner, Minbu, mentions Mr. Hertz, Subdivisional Officer, Salin; Maung Mya, Myoôk, Salin; and Maung Ba, Myoôk, Kyabin, as having tried their cases thoroughly and carefully. The Sidôktaya Myoôk, Maung Tôk Gyi, is stated to have greatly improved. Mr. Hartnoll has written an interesting report.

Mr. Birks, both as Deputy Commissioner of Pakôkku, and as Officiating Commissiomer of the Division, devoted considerable attention to the working of the Courts.

G. D. BURGESS,

Judicial Commissioner, Upper Burma.

LOWER BURMA APPENDICES.

JUDICIAL STATEMENT No. 1 (CIVIL).

Showing the number of Judicial divisions and the number of officers exercising Appellate or Original Jurisdiction in the Province of Lower Burma on the last day of the year 1892, with the cost of tribunals.

Name of province.			Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction.					Total number of cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.			
								Judges of Chief Court of province.	Judges of other Courts superior to chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	Original.		Appeals.							
													Regular.	Miscellaneous.	Regular.	Miscellaneous.						
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			
			Sq. miles														Rs. A. P.	Rs. A. P.		Grades of Judicial Officers.	European.	Native.
Lower Burma	Territory subject to the High Court.	Civil ...	86,942	4,644,001	4	18	34	2	4	18	...	134	41,537	7,128	1,800	114	6,12,800 7 8	5,82,924 15 1	Officers exercising both original and appellate jurisdiction.	Judicial Commissioner ...	1	...
																				Recorder of Rangoon ...	1	...
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		Commissioners ...	4	...
																				Deputy Commissioners ...	19	...
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		Assistant Commissioners with appellate powers (section 20, Act XI of 1889).	1	...
	Territory not subject to the High Court.	Civil ...	1,015	14,626	...	1	...	...	...	1	...	...	88	...	...	...	.....	319 12 6	Officers exercising original jurisdiction only.	Small Cause Court Judges ...	1	2
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		Assistant Commissioners ...	10	1
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		Extra Assistant Commissioners	7	12
	Total ...		87,957	4,658,627	4	19	34	2	4	19	...	134	41,625	7,128	1,800	114	6,12,800 7 8	5,83,244 11 7		Myoôks	2	98

JUDICIAL STATEMENT NO. 7 (CIVIL).

Showing the number and description of suits instituted in the Civil and Revenue Courts in the Province of Lower Burma for the year 1892.

Class of tribunal.	Suits for money or moveable property.										Suits under the rent law.								Title and other suits.																	
	Contract in writing.	Contract not in writing.	On account stated.	Money lent and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the rent law.	Moveable property or value thereof	Damages.	Arrears of rent with or without ejectment or cancellement of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pottas or kabuliyats	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 263, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
COURTS IN THE INTERIOR.																																					
I.—Civil Courts.																																					
Unpaid Tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Township Courts	5,767	6,361	127	1,375	4,486	1,602	...	1,097	2,816	2,572	...	...	...	...	...	...	...	...	1,604	28	65	116	6	5	4	50	403	136	76	...	...	4	...	...	...	147	28,907
Paid Subdivisional Tribunals ..	671	123	14	116	342	78	...	63	264	84	...	...	...	...	...	...	...	...	158	3	4	25	...	1	...	4	26	5	14	...	...	...	...	1	...	37	1,933
Small Cause Courts	1,636	787	163	140	717	501	...	153	318	114	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	4,567
District Courts other than Chief Courts of districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Courts of districts ...	75	11	8	44	30	7	...	2	23	29	...	...	...	...	...	...	...	...	32	7	5	9	12	4	...	2	7	11	1	1	...	43	...	1	...	25	478
Total ...	8,049	7,282	311	1,675	5,575	2,248	...	1,315	3,421	2,797	...	...	...	...	...	...	...	...	1,885	38	74	230	18	10	4	56	436	152	91	1	...	47	...	2	...	219	35,945
II.—Revenue Courts.																																					
Unpaid local Tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Courts at the Presidency or Seat of Government.																																					
Small Cause Court, Rangoon ...	2,629	645	59	236	931	485	...	706	79	19	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5,789
Superior Court (Recorder's) ...	36	4	...	...	2	...	...	...	4	50	...	...	...	...	...	...	...	...	4	1	6	12	1	7	...	2	15	4	3	3	...	2	...	3	...	56	198
Total ..	2,665	649	59	236	933	485	...	706	83	49	...	...	...	...	...	...	...	...	4	1	6	12	1	7	...	2	15	4	3	3	...	2	...	3	...	56	5,994
GRAND TOTAL ...	10,714	7,931	370	1,911	6,508	2,733	...	2,021	3,504	2,846	...	...	...	...	...	...	...	...	1,889	39	80	251	19	17	4	58	451	156	94	4	...	49	...	5	...	275	41,939

JUDICIAL STATEMENT No. 8 (CIVIL).

Showing the number and value of suits instituted in the Civil and Revenue Courts in the Province of Lower Burma for the year 1892.

Class of tribunal.	Number of suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
										Rs. A. P.	
COURTS IN THE INTERIOR.											
I.—Civil Courts.											
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	.....	
Township Courts	3,510	12,051	6,540	6,019	81	39	...	...	727	22,32,569 4 10	
Paid Subdivisional Tribunals	135	547	327	449	276	144	...	...	55	5,68,745 6 10	
Small Cause Courts	811	2,594	603	513	46	...	...	...	...	2,62,657 5 11	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	.....	
Chief Courts of districts	27	39	27	79	109	127	23	14	33	9,31,336 12 7	
Total ...	4,483	15,231	7,497	7,060	512	310	23	14	815	39,95,308 14 2	
II.—Revenue Courts.											
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	.....	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	.....	
Collectors' Courts	...	...	...	...	...	...	...	...	...	.....	
Total ...	...	...	...	...	...	...	...	...	...	.....	
Courts at the Presidency or seat of Government.											
Small Cause Courts, Rangoon	556	2,531	962	1,380	227	133	...	...	...	8,07,050 8 4	
Superior Court (Recorder's)	...	6	12	25	10	85	15	9	33	5,04,643 15 3	
Total ...	556	2,537	974	1,405	237	218	15	9	33	13,11,694 7 7	
GRAND TOTAL ..	5,039	17,768	8,471	8,465	749	528	38	23	848	53,07,003 5 9	

JUDICIAL STATEMENT No. 9 (CIVIL).

Showing the general result of the trial of Civil and Revenue cases in the Courts of Original Jurisdiction in the Province of Lower Burma for the year 1892.

PART I.—Civil Suits.

Class of tribunal.	Total number of suits before the Courts	Number of suits disposed of: Transferred to Courts in other provinces.	Without trial.	Without contest: Compromised.	Decreed on confession.	Decreed ex-parte	Dismissed ex-parte	On reference to arbitration: For plaintiff.	For defendant.	With contest: Judgment for plaintiff in whole or in part.	Judgment for defendant.	Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases: Contested.	Uncontested.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.														Days	Days	
I.—Civil Courts.																
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Township Courts	20,801	...	7,601	1,206	[illegible]	3,972	479	147	68	7,054	3,493	1,072	105	25	17	
Pain Subdivisional Tribunals	[illegible]	..	[illegible]	63	[illegible]	[illegible]	23	7	[illegible]	523	219	104	7	21	12	
Small Cause Courts	1,672	..	1,011	241	117	[illegible]	58	2	4	1,184	416	108	31	17	16	
District Courts other than Chief Courts of districts ...	...	...	...	...	..	...	..	..	...	..	...	...	...	..	...	
Chief Courts of districts	516	...	62	27	54	70	2	3	2	194	72	41	8	43	34	
Total ...	[illegible]	...	[illegible]	1,627	[illegible]	[illegible]	572	159	79	[illegible]	4,193	1,325	151	25	16	
II.—Revenue Courts.																
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	..	...	...	...	..	...	...	...	..	...	
Collectors' Courts	...	..	...	..	...	...	.	...	...	..	...	...	...	..	...	
Total ...	...	...	...	...	...	...	...	...	..	..	...	...	...	..	...	
Courts at the Presidency or seat of Government.																
Small Cause Courts, Rangoon	6,244	..	870	387	636	2,571	59	...	...	823	432	476	115	27·10	26·82	
Superior Courts (Recorder's)	286	...	28	13	4	33	3	...	...	65	41	99	5	226·41	125·32	
Total ...	6,530	...	898	400	640	2,604	62	...	...	888	473	575	120	42·63	28·39	
GRAND TOTAL ...	43,525	..	10,199	2,027	6,141	7,578	634	159	79	9,842	4,666	1,900	271	27	19	

JUDICIAL STATEMENT NO. 9 (CIVIL).

Showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in Lower Burma for the year 1892.

PART II.—Miscellaneous Cases (Judicial).

Class of tribunal	Total number of cases before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year	Number of cases pending more than three months at the close of the year.	Average duration of cases contested and uncontested.	Remarks.
		Transferred to Courts in other provinces	Without trial	Without contest.				On reference to arbitration.		With contest.					
				Compromised	Decreed on confession.	Decreed *ex-parte*	Dismissed *ex-parte*.	For plaintiff.	For defendant	Judgment for plaintiff in whole or in part	Judgment for defendant				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
COURTS IN THE INTERIOR.														Days.	
I.—Civil Courts															
Unpaid Tribunals	...	...	...	..	...	..	...	...	...	...	...	...	...	...	
Township Courts	3,766	...	853	246	120	232	83	9	4	1,381	714	124	...	15	
Paid Subdivisional Tribunals	577	...	83	41	16	24	7	...	3	199	180	24	...	17	
Small Cause Courts	193	...	79	1	1	24	...	...	...	65	21	2	...	5	
Superior Courts other than Chief Courts of Province ...	14	...	9	...	...	..	...	..	...	4		1	...	2	
Chief Courts of districts	778	...	190	8	17	134	29	16	...	211	127	45	...	20	
Total ...	5,328	...	1,214	296	154	414	119	25	7	1,860	1,042	197	...	16	
II.—Revenue Courts.															
Unpaid local Tribunals	...	...	...	...	...	...	..	...	..	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	..	.	...	..	...	...	...	
Collectors' Courts	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
Total ..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	
Courts at the Presidency or seat of Government															
Small Cause Courts, Rangoon	1,809	1	1,342	15	1	37	5	...	...	234	103	71	5	13·51	
Superior Courts (Recorder's)	272	1	40	1	..	111	5	...	...	50	53	11	..	22·74	
Total ...	2,081	2	1,382	16	1	148	10	..	.	284	156	82	5	14·72	
GRAND TOTAL ..	7,409	2	2,596	312	155	562	129	25	7	2,144	1,198	279	5	15	

JUDICIAL STATEMENT NO. 10 (CIVIL).

Showing the business of the Civil and Revenue Appellate Courts of the Province of Lower Burma for the year 1892.

PART I.—Appeals from Decrees.

Class of tribunal.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected	Dismissed for default or otherwise not prosecuted	Heard ex-parte. Confirmed.	Heard ex-parte. Modified.	Heard ex-parte. Reversed.	Heard ex-parte. Remanded.	Contested. Confirmed.	Contested. Modified.	Contested. Reversed.	Contested. Remanded.	Pending.	Of these pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.															Days.		
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts	43	..	4	1	3	1	...	...	23	2	8	1	...	...	25	...	
Chief Appellate Courts of districts	1,649	...	3	4	70	1	2	...	934	94	308	35	138	2	31	...	
Superior Appellate Courts other than Chief Court of province ...	45	...	1	...	...	...	...	...	27	1	11	.	5	2	38	...	
Total ...	1,737	...	8	5	73	2	2	...	984	97	387	36	143	4	31	...	
B.—Revenue Courts.																	
Collector's Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	
Courts at the Presidency or seat of Government.																	
Chief Court of province — Appeals from original decrees	13	...	...	...	...	...	...	...	5	1	2	...	5	3	67	...	
Chief Court of province — Appeals from appellate decrees	270	...	...	...	1	...	...	...	99	26	64	8	72	...	89	...	
Chief Court of province — Civil revisions	98	...	16	10	1	...	...	1	40	2	12	7	8	...	22	...	One case withdrawn.
Total ...	381	...	16	10	2	...	...	1	144	29	78	15	85	3	72	...	One case withdrawn.
GRAND TOTAL ...	2,118	...	24	15	75	2	2	1	1,128	126	465	51	228	7	38	..	

JUDICIAL STATEMENT No. 10 (CIVIL)

Showing the business of the Civil and Revenue Appellate Courts of the Province of Lower Burma for the year 1892

PART II.—Miscellaneous Appeals (Judicial).

Class of tribunal	Total number of appeals before the Courts.	Transferred to Courts in other provinces	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard ex-parte. Confirmed.	Heard ex-parte. Modified.	Heard ex-parte. Reversed.	Heard ex-parte. Remanded.	Contested. Confirmed.	Contested. Modified.	Contested. Reversed.	Contested. Remanded.	Pending.	Of those pending more than three months.	Average duration of appeals	Objections under section 561 Act XIV of 1882	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.															Days		
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts ...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	..	...	
Chief Appellate Courts of districts	81	...	10	2	9	1	3	2	26	4	23	1	..	...	20	...	
Superior Appellate Courts other than Chief Courts of province ...	20	...	3	...	5	...	...	..	6	...	3	1	...	...	16	...	
Total ...	101	...	13	2	14	1	3	2	34	4	26	2	..		19	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	..	...	...	...	...	...	...	...	...		...	.	..	...	...	
Total ...	...	...	..	...	..	...	...	...	...	...	..	...	...	...	...	.	
Courts at the Presidency or seat of Government.																	
Chief Court of province — Appeals from original decrees	8	...	...	...	...	...	...	...	3	1	3	1	...	...	67	...	
Chief Court of province — Appeals from appellate decrees	6	...	...	...	...	...	..	...	4	...	1	...	1	...	53	...	
Total ...	14	...	...	...	..	..	...	...	7	1	4	1	1	...	63	...	
GRAND TOTAL ...	115	...	13	2	14	1	3	2	41	5	30	3	1	...	24	...	

JUDICIAL STATEMENT No. 11 (CIVIL).

Showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in the Province of Lower Burma for the year 1892.

Class of tribunal	Total number of applications for the execution of decrees before the Courts including those disposed of by transfer.	Applications disposed of: By transfer.	Applications disposed of: Satisfaction obtained in full.	Applications disposed of: Satisfaction obtained in part.	Applications disposed of: Wholly infructuous.	Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realized: With the issue of process.	Amount realized: Without the issue of process.	Number of applications: On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested, but released without imprisonment.	On which moveable property: Was sold.	On which moveable property: Was attached, but subsequently released.	On which immoveable property: Was sold.	On which immoveable property: Was dealt with under sections 305, 322, or 326, Act XIV of 1882.	On which immoveable property: Was attached, but subsequently released under section 275.	On which possession was given: Of moveables.	On which possession was given: Of immoveables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.																						
I.—Civil Courts.								Rs. A. P.	Rs. A. P.													
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Township Courts	7,904	114	2,748	1,378	3,077	587	18	2,51,907 6 9	9,595 10 7	110	309	685	1,362	619	156	668	42	87	3	3	99	
Paid Subdivisional Tribunals ...	847	20	234	151	370	72	3	73,152 4 7	2,797 15 0	8	33	109	85	85	6	50	1	4	1	...	9	
Small Cause Courts	1,599	77	284	243	925	70	...	15,990 15 0	1,874 6 0	37	127	74	73	22	1	28	...	...	...	...	165	
District Courts other than Chief Courts of districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	336	14	77	76	130	39	5	82,883 12 0	2,982 4 0	8	6	24	31	29	...	33	2	1	...	...	19	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	10,686	225	3,343	1,848	4,502	768	26	4,23,934 6 4	17,250 3 7	163	525	892	1,491	755	163	779	45	92	4	3	292	
II.—Revenue Courts.																						
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Collector's Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																						
Small Cause Courts (Rangoon) ...	3,049	282	737	525	1,351	154	12	77,469 12 3	4,278 13 3	47	64	85	71	...	...	...	...	...	...	...	975	
Superior Court (Recorder's) ...	191	11	63	42	69	6	...	1,05,482 15 0	22,943 14 7	4	6	5	5	36	...	20	...	5	...	...	...	
Total ...	3,240	293	800	567	1,420	160	12	1,82,952 11 3	27,222 11 10	51	90	90	76	36	...	20	...	5	...	...	975	
GRAND TOTAL ...	13,926	518	4,143	2,415	5,922	928	38	6,06,887 1 7	44,472 15 5	214	625	982	1,567	791	163	799	45	97	4	3	1,267	

Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in the Province of Lower Burma for the year 1892.

Name of district or Court.	Original.								Percentage of total costs to total value.	Appeals.		
	Total number of cases.	Total value of cases.	Costs of cases.							Total number of cases.	Total value of cases.	Costs of cases.
			Total amount of court-fees, including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.				Total amount of court-fees, including process-fees.
1	2	3	4	5	6	7	8	9	10	11	12	13
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.
Arakan division—												
Akyab ...	1,968	1,85,554 6 4	17,262 1 0	3,007 1 0	1,960 12 0	8,694 5 1	193 7 0	28,110 9 1	15·15	70	12,158 14 9	1,206 7 0
Kyaukpyu ...	632	10,929 12 7	2,913 12 0	1,216 7 0	1,161 6 0	789 0 0	6 10 0	4,870 12 0	24·44	61	1,751 15 8	327 14 0
Sandoway ...	510	17,742 0 4	2,149 8 0	617 6 0	806 0 0	1,306 5 7	.....	4,261 13 7	24·02	29	1,447 1 3	250 10 0
Northern Arakan ...	88	3,315 9 9	.....	.....	.....	.....	.....	.....	...	...	.....	.....
Commissioner of Arakan ...	.....	.....	.....	.....	.....	.....	.....	.....	...	5	20,511 8 6	1,233 8 0
Total ...	3,198	2,26,541 13 0	22,925 5 0	4,840 14 0	3,928 2 0	10,789 10 8	200 1 0	37,243 2 8	16·44	165	35,869 8 2	3,018 7 0
Pegu division—												
Hanthawaddy ...	2,052	2,67,617 9 11	20,268 6 0	3,393 8 6	2,405 9 3	9,192 3 9	111 3 3	31,977 9 3	11·95	58	15,923 0 10	1,187 10 0
Pegu ...	2,472	3,69,755 0 2	32,944 6 0	4,548 10 0	3,173 5 0	7,588 5 7	150 9 0	43,856 9 7	11·86	121	29,400 14 8	3,042 7 0
Tharrawaddy ...	2,599	1,92,311 11 11	19,771 3 0	4,310 6 0	2,322 3 0	11,620 5 8	65 3 3	33,778 14 11	17·56	82	11,174 6 0	1,026 6 0
Prome ...	2,485	1,97,240 9 1	17,490 9 0	3,337 2 0	1,965 6 6	3,446 0 0	491 11 6	23,394 11 0	11·87	132	15,504 7 6	1,714 0 0
Commissioner of Pegu ...	.....	.....	.....	.....	.....	.....	.....	.....	...	34	38,748 1 3	2,509 6 0
Judicial Commissioner, Lower Burma ...	.....	.....	.....	.....	.....	.....	.....	.....	...	203	47,242 10 7	3,511 6 0
Total ...	9,608	10,26,924 15 1	90,474 8 0	15,609 10 6	9,867 7 9	31,847 2 0	818 11 0	1,33,007 12 9	12·95	630	1,57,993 8 5	12,991 3 0
Irrawaddy division—												
Henzada ...	3,488	2,34,833 1 5	25,839 1 0	6,067 8 0	3,170 1 0	11,691 9 1	287 0 0	40,987 11 1	17·45	207	22,756 4 5	2,140 12 0
Bassein ...	3,215	2,72,431 4 0	23,845 5 5	4,609 14 0	3,639 2 0	10,356 6 9	125 12 6	37,966 10 8	13·94	186	29,973 7 5	3,154 0 0
Thôngwa ...	5,476	6,07,733 0 3	53,463 12 0	8,546 8 0	4,414 2 0	13,175 8 2	1,331 10 0	72,375 0 2	11·91	184	45,334 9 7	3,751 8 0
Thayetmyo ...	1,586	99,073 15 4	10,358 8 6	2,082 14 0	1,483 8 0	3,200 14 8	527 15 0	15,570 14 2	15·72	88	7,805 4 6	853 4 0
Commissioner of Irrawaddy ...	.....	.....	.....	.....	.....	.....	.....	.....	...	12	5,480 0 0	406 4 0
Total ...	13,765	12,14,071 5 0	1,13,506 10 11	21,326 12 0	12,706 13 0	38,424 6 8	2,262 5 6	1,66,900 4 1	13·75	677	1,11,349 9 11	10,305 12 0
Tenasserim division—												
Amherst ...	2,334	2,27,232 6 1	19,941 1 0	4,433 5 0	2,924 0 0	5,619 14 3	9 0 0	28,493 15 3	12·54	117	20,141 1 11	1,293 0 0
Shwegyin ...	2,269	2,27,269 11 10	19,967 14 0	4,180 5 0	2,918 4 0	5,917 12 7	97 12 0	28,901 10 7	12·72	151	27,686 9 3	2,151 0 0
Toungoo ...	1,103	92,100 9 1	8,752 12 0	1,273 4 0	714 3 0	4,442 12 11	104 0 0	14,013 11 11	14·14	41	8,400 0 0	778 4 0
Tavoy ...	652	45,381 0 0	4,396 4 0	1,220 12 0	866 4 0	1,247 1 4	263 6 5	6,772 15 9	14·92	54	3,856 2 8	431 10 0
Mergui ...	534	44,129 4 5	4,688 5 5	952 12 0	639 2 0	3,319 4 0	22 1 0	8,668 12 5	19·64	51	4,893 15 6	404 14 0
Salween ...	91	10,730 14 7	737 11 0	89 0 0	49 0 0	.....	.....	786 11 0	7·33	3	291 8 0	26 12 0
Judge of Moulmein ...	2,116	7,71,986 9 0	35,747 12 0	2,776 13 0	2,101 8 0	27,628 15 6	1,648 4 0	67,126 7 6	8·70	...	.....	.....
Commissioner of Tenasserim ...	.....	.....	.....	.....	.....	.....	.....	.....	...	9	15,356 6 7	882 6 0
Total ...	9,099	14,25,830 7 0	94,231 11 5	14,925 3 0	10,212 5 0	48,175 12 7	2,144 7 5	1,54,764 4 5	10·85	426	80,715 11 11	5,967 14 0
Rangoon Small Cause Courts ...	5,768	7,69,269 10 10	66,487 6 0	6,294 14 0	5,929 12 0	15,889 8 0	3,724 8 0	92,031 2 0	11·96	...	.....	.....
Recorder's Court ...	187	6,95,458 5 7	32,063 12 6	2,419 13 0	2,259 4 0	53,196 4 0	2,081 9 0	89,600 13 6	12·88	...	.....	.....
Special Court ...	.....	.....	.....	.....	.....	.....	.....	.....	...	16	1,59,169 2 0	3,136 12 0
Total ...	5,955	14,64,728 0 5	98,551 2 6	8,714 11 0	8,189 0 0	69,085 12 0	5,806 1 0	1,81,631 15 6	12·40	16	1,59,169 2 0	3,136 12 0
Grand Total ...	41,625	53,58,006 8 6	4,19,089 5 10	65,418 2 6	44,903 11 9	1,38,322 11 11	11,231 9 11	6,73,547 7 5	12·57	1,914	5,45,097 8 5	35,420 0 0

Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of the Courts in the Province of Lower Burma for the year 1892—continued.

Name of district or Court.	Appeals—continued. Costs of cases—continued. Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of total costs to total value.	Execution of decrees. Total number of cases.	Total value of cases.	Costs of cases. Total amount of court-fees including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.
1	14	15	16	17	18	19	20	21	22	23	24	25
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Arakan division—												
Akyab ...	131 0 0	.....	1,825 14 4	278 0 0	3,310 5 4	27·22	670	1,16,249 1 4	1,804 4 0	987 8 0	.....	30 0 0
Kyaukpyu ...	108 8 0	.....	410 8 0	.....	738 6 0	42·15	129	6,182 8 6	533 0 0	245 9 0	11 4 0	20 3 0
Sandoway ...	64 0 0	.....	260 13 5	89 14 0	601 5 5	41·56	105	7,127 7 0	251 10 0	187 8 0	.....	5 0 0
Northern Arakan ...	.....	.....	.....	.....	.....	...	...	.....	.....	.....	.....	.....
Commissioner of Arakan ...	16 0 0	.....	1,547 2 4	.....	2,780 10 4	13·56	...	.....	.....	.....	.....	.....
Total ...	319 8 0	.....	4,044 6 1	367 14 0	7,430 11 1	20·72	904	1,29,559 0 10	2,388 14 0	1,420 9 0	11 4 0	55 3 0
Pegu division—												
Hanthawaddy ...	137 0 0	.....	1,835 15 9	363 8 3	3,337 2 0	21·26	664	1,25,607 15 4	2,171 1 0	1,148 4 0	.....	.....
Pegu ...	351 8 0	.....	2,077 2 6	.....	5,119 9 6	17·41	625	1,41,524 16 3	2,643 8 0	1,235 12 0	.....	.....
Tharrawaddy ...	68 0 0	.....	739 5 0	37 8 0	1,803 3 0	16·14	548	93,204 1 6	2,481 1 0	1,844 12 0	41 1 0	.....
Prome ...	283 8 0	15 0 0	1,925 0 0	323 13 1	3,977 13 1	25·66	642	99,819 6 1	1,467 14 0	1,094 0 0	4 4 0	.....
Commissioner of Pegu ...	52 0 0	.....	2,601 4 6	52 0 0	5,162 10 6	13·32	...	.....	.....	.....	.....	.....
Judicial Commissioner, Lower Burma ...	447 0 0	.....	5,787 6 8	1,790 15 6	11,089 12 2	23·47	...	.....	.....	.....	.....	.....
Total ...	1,339 0 0	15 0 0	14,966 2 5	2,567 12 10	30,540 2 3	19·33	2,479	4,60,153 13 2	8,163 8 0	5,322 12 0	45 5 0	.....
Irrawaddy division—												
Henzada ...	404 0 0	.....	3,775 1 6	1,030 2 5	6,945 15 11	30·52	602	75,727 7 7	1,512 0 0	1,147 12 0	1 14 0	96 0 0
Bassein ...	388 8 0	.....	4,506 4 2	.....	7,660 4 2	25·56	767	1,65,888 6 9	1,843 4 0	1,133 4 0	.....	.....
Thôngwa ...	414 12 0	.....	2,527 2 4	764 12 0	7,043 6 4	15·54	1,343	2,18,547 14 8	2,767 6 0	1,999 12 0	26 12 0	69 14 0
Thayetmyo ...	148 8 0	.....	900 4 8	210 2 0	1,963 10 8	25·16	347	36,059 6 9	874 5 0	659 0 0	13 14 0	10 0 0
Commissioner of Irrawaddy ...	16 0 0	.....	310 12 0	.....	717 0 0	13·06	..	.....	.....	.....	.....	.....
Total ...	1,371 12 0	.....	12,019 8 8	2,005 0 5	24,330 5 1	21·85	3,059	4,96,263 3 9	6,996 15 0	4,939 12 0	42 8 0	175 14 0
Tenasserim division—												
Amherst ...	643 0 0	.....	1,608 0 0	.....	2,901 0 0	14·40	810	1,03,038 9 5	1,549 5 0	1,229 8 0	39 4 0	61 0 0
Shwegyin ...	241 8 0	.....	1,432 15 0	.....	3,583 15 0	12·94	775	71,280 14 9	1,479 8 0	1,128 8 0	121 14 0	.....
Toungoo ...	68 0 0	.....	843 6 4	.....	1,621 10 4	19·09	272	39,026 6 3	1,277 4 0	720 4 0	.....	.....
Tavoy ...	128 0 0	.....	242 13 6	222 13 10	897 5 4	23·27	135	14,180 8 7	301 12 0	194 4 0	.....	.....
Mergui ...	75 0 0	.....	440 15 0	127 2 1	972 15 1	19·87	213	19,194 5 8	320 8 0	211 0 0	73 10 0	.....
Salween ...	2 0 0	.....	.....	.....	26 12 0	9·18	43	4,465 10 3	76 11 0	58 8 0	2 8 0	.....
Judge of Moulmein ...	.....	.....	.....	.....	.....	..	1,602	5,02,430 2 0	1,641 12 0	1,167 0 0	2 0 0	.....
Commissioner of Tenasserim ...	13 8 0	.....	664 12 3	56 13 0	1,603 15 3	10·45	...	.....	.....	.....	.....	.....
Total ...	1,171 0 0	.....	5,232 14 1	406 12 11	11,607 9 0	14·38	3,251	7,53,616 15 11	6,646 12 0	4,702 0 0	239 4 0	61 0 0
Rangoon Small Cause Courts ...	.....	.....	.....	.....	.....	...	2,613	4,27,267 10 3	4,797 6 0	3,397 11 0	.....	27 0 0
Recorder's Court ...	.....	.....	.....	.....	.....	...	174	3,08,461 14 3	1,144 8 0	608 0 0	3 0 0	1,972 0 0
Special Court ...	65 0 0	.....	6,055 10 0	398 13 7	9,591 3 7	6·03	...	.....	.....	.....	.....	.....
Total ...	65 0 0	.....	6,055 10 0	398 13 7	9,591 3 7	6·03	2,787	7,35,729 8 6	5,941 14 0	4,005 11 0	3 0 0	1,999 0 0
Grand Total ...	4,206 4 0	15 0 0	42,318 9 3	5,746 5 9	83,499 15 0	13·32	12,480	25,75,322 10 2	30,137 15 0	20,590 12 0	341 5 0	2,291 1 0

Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in the Province of Lower Burma for the year 1892—concluded.

Name of district or Court.	Execution of decrees—*concluded.* Costs of cases—concluded. Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of total costs to total value.	Miscellaneous. Total number of cases.	Total value of cases.	Costs of cases. Total amount of court-fees, including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of total costs to total value.
1	26	27	28	29	30	31	32	33	34	35	36	37
	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan division—												
Akyab ...	116 12 0	1,951 0 0	1·68	252	2,67,415 13 1	719 3 0	350 12 0	172 2 0	91 0 0	37 4 0	1,019 9 0	·38
Kyaukpyu ...	.....	364 7 0	5·89	83	15,324 5 1	153 10 0	38 4 0	41 6 0	205 0 0	.....	400 0 0	2·61
Sandoway ...	1 4 0	257 14 0	3·62	38	4,834 10 10	96 2 0	72 0 0	62 4 0	157 8 0	2 0 0	317 14 0	6·57
Northern Arakan ...	.....	.....	...	...	.....	.....	.....	.....	.....	.....	.....	...
Commissioner of Arakan ...	.....	.....	...	...	.....	.....	.....	.....	.....	.....	.....	...
Total ...	118 0 0	2,573 5 0	1·99	373	2,87,574 13 0	968 15 0	521 0 0	275 12 0	453 8 0	39 4 0	1,737 7 0	·60
Pegu division—												
Hanthawaddy ...	35 8 0	2,206 9 0	1·76	285	1,18,433 15 3	994 6 0	492 0 0	316 8 0	1,035 9 0	55 0 0	2,401 7 0	2·03
Pegu ...	178 7 0	2,221 15 0	1·57	425	93,601 14 3	1,366 10 0	797 4 0	523 12 6	1,512 1 0	302 1 0	3,704 8 6	3·96
Tharrawaddy ...	3 0 0	2,525 2 0	2·71	308	79,871 7 6	1,406 8 0	346 4 0	237 12 6	920 8 0	28 13 9	2,593 10 3	3·25
Prome ...	187 5 9	1,659 7 9	1·66	432	41,586 6 3	842 10 0	549 12 0	390 5 6	540 0 0	67 6 6	1,830 6 0	4·40
Commissioner of Pegu ...	.....	.....	...	9	.....	16 0 0	5 0 0	.....	34 0 0	.....	50 0 0	...
Judicial Commissioner, Lower Burma ...	.....	.....	...	...	.....	.....	.....	.....	.....	.....	.....	...
Total ...	404 4 9	8,613 1 9	1·87	1,459	3,33,493 11 3	4,626 2 0	2,190 4 0	1,458 6 6	4,042 2 0	453 5 3	10,579 15 9	3·17
Irrawaddy division—												
Henzada ...	45 2 0	1,655 0 0	2·18	483	69,313 15 11	1,016 7 0	571 12 0	326 2 0	661 4 8	47 4 0	1,591 1 8	2·87
Bassein ...	693 4 0	2,536 8 0	1·53	641	1,20,902 9 2	1,217 1 0	707 8 0	396 4 0	1,114 2 0	217 13 0	2,945 4 0	2·44
Thôngwa ...	283 8 0	3,147 8 0	1·44	675	1,41,601 4 2	1,155 0 0	793 10 0	547 8 0	1,506 14 0	168 0 0	3,377 6 0	2·38
Thayetmyo ...	128 12 0	1,026 15 0	2·84	269	25,926 3 0	627 15 0	283 8 0	221 0 0	990 8 11	82 7 0	1,921 14 11	7·41
Commissioner of Irrawaddy ...	.....	.....	...	...	.....	.....	.....	.....	.....	.....	.....	...
Total ...	1,150 10 0	8,365 15 0	1·69	2,068	3,57,744 0 3	4,016 7 0	2,456 6 0	1,490 14 0	4,212 13 7	515 8 0	10,235 10 7	2·86
Tenasserim division—												
Amherst ...	.....	1,649 9 0	1·60	370	65,556 1 2	1,314 3 0	894 1 0	299 4 0	1,204 0 0	1 0 0	2,758 7 0	4·21
Shwegyin ...	.....	1,601 6 0	2·25	326	34,483 9 5	537 8 0	338 12 0	183 0 0	341 0 0	1 0 0	1,062 8 0	3·08
Toungoo ...	23 0 0	1,300 4 0	3·33	155	29,660 1 6	368 1 0	219 4 0	127 4 0	467 8 0	3 0 0	965 13 0	3·26
Tavoy ...	3 0 0	304 12 0	2·15	70	38,916 10 2	179 7 0	116 12 0	47 8 0	10 0 0	25 13 0	262 12 0	·68
Mergui ...	.....	394 2 0	2·15	59	7,879 6 9	187 14 0	68 0 0	13 8 0	175 0 0	27 8 0	403 14 0	5·13
Salween ...	.....	79 3 0	1·77	5	1,145 0 0	10 12 0	5 6 0	.....	.....	.....	10 12 0	·94
Judge of Moulmein ...	687 8 0	2,331 4 0	·46	242	2,44,999 12 0	3,306 10 0	329 12 0	150 4 0	948 0 0	569 0 0	4,973 14 0	2·03
Commissioner of Tenasserim ...	.....	.....	...	4	4,412 12 0	5 0 0	.....	.....	.....	.....	5 0 0	·11
Total ...	713 8 0	7,660 8 0	1·02	1,231	4,27,053 5 0	5,909 7 0	1,971 9 0	760 12 0	3,145 8 0	627 5 0	10,443 0 0	2·44
Rangoon Small Cause Courts ...	670 10 10	5,495 0 10	1·29	1,737	55,419 2 11	889 0 0	398 14 0	445 12 0	1,405 0 0	68 0 0	2,807 12 0	5·07
Recorder's Court ...	1,009 10 0	4,129 2 0	1·34	260	26,58,525 4 4	49,098 12 0	682 0 0	226 8 0	4,811 0 0	854 0 0	54,999 4 0	2·07
Special Court ...	.....	.....	...	...	.....	.....	.....	.....	.....	.....	.....	...
Total ...	1,680 4 10	9,624 2 10	1·31	1,997	27,13,944 7 3	49,987 12 0	1,080 14 0	672 4 0	6,216 0 0	922 0 0	57,798 0 0	2·13
Grand Total ...	4,066 11 7	36,837 0 7	1·43	7,128	41,19,810 4 9	65,508 11 0	8,220 1 0	4,658 0 6	18,069 15 7	2,557 6 3	90,794 1 4	2·20

UPPER BURMA APPENDICES.

JUDICIAL STATEMENT No. 1 (CIVIL.)

Showing the number of judicial divisions and the number of officers exercising appellate or original civil jurisdiction in Upper Burma on the last day of the year 1892 with the cost of tribunals.

Name of province.			Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Court of provinces.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
																	Rs. A. P.	Rs.
UPPER BURMA.	Territory subject to the High Court.	Civil ...	83,473	30,63,426	4	17*	51	1	4	18*	...	161	10,513	...	526	...	1,39,065 3 8	4,00,841
		Criminal ...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Criminal ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Revenue ...	...	...	..	...	...	...	..	...	...	...	...	...	...	...	...	...
	Total ...		83,473	30,63,426	4	17	51	1	4	18	...	161	10,513	...	526	...	1,39,065 3 8	4,00,841

* Including Mandalay Town.

Remarks. Grades of Judicial Officers.	European.	Native.
1.—Officers exercising both original and appellate jurisdiction.		
Judicial Commissioner	1	..
Commissioners	4	..
District Judges	17	..
Assistant Commissioners with appellate powers (section 78 (3) of the Upper Burma Civil Justice Regulation).	1	..
2.—Officers exercising original jurisdiction only.		
Civil Judge, Mandalay	1	...
Small Cause Court Judge	1	...
Assistant Commissioners	13	..
Extra Assistant Commissioners ...	19	6
Myoôks	11	111

JUDICIAL STATEMENT No. 7 (CIVIL).

Showing the number and description of civil suits instituted in the Civil Courts of Upper Burma for the year 1891.

Class of Courts.	Suits for money or moveable property.										Suits under the Rent law								Title and other suits.																
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the Rent law.	Moveable property or value thereof	Damages.	Arrears of rent with or without ejectment or cancelment of lease	Enhancement or abatement of rent.	Relating to distraint	Damages for extention, or withholding receipt, or on account of illegal restraint or other cause	For pottas or kabuliyats.	For ejectment or recovery of possession	For recovery of money or account from agents	All other suits under the law not included above	Suits for immoveable property.	Suits for declaratory decrees	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre emption, foreclosure &c	Suits to declare and establish personal rights	Suits for an account.	Suits relating to religious endowments	Suits to set aside judgments, contracts, or obligations on the ground of fraud	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights	Suits for partition	Suits relating to shipping	Suits relating to religion and caste	Administration suits.	Interpleader suits	Dissolution of partnership	Suits under section 281, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
Unpaid tribunals	...	...	.	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	..	..	.	...		...	...	...	...	..		.	.		.	..	..	...	...
Township Courts	1,532	1,246	83	558	1,186	398	.	304	1,002	403	...	...	.	...	...	...	..	...	1,432	5	4	...	7	5	1	9	144	35	69	..	.		1	...	..	59	8,538
Subdivisional tribunals ...	166	39	33	77	91	35	..	18	54	24	..	...	..	...	...	...	..	..	250	14	1	22	1	4	1	...	11	5	29		...	1	...		..	11	907
Cantonment Judge	4	6	...	16	9	14	.	3	4	10	..	..	...	...	..			.	..			...	..	...	..	...	..	...		..	.	.	..	.	...	...	64
Civil Court, Mandalay — Superior side .	63	4	4	5	5	2	..	3	7	11	...	.	...	...	..			..	56	9	1	..	2	2	..	1	15	7	7	.	..	1	...	2		..	207
Civil Court, Mandalay — Small Cause side	375	58	7	69	176	83		38	13	3	...	.		...	.	.	...	...	.	.	...	.		.		..	..	...				..		..	..	..	812
Chief Courts of districts ...	6	3	...	6	4	5			2	1	..	..	...	...	.	.		.	3	...	.	...	1	.	.	..	3		2		.		..	.	.	..	38
Commissioners' Courts ...	...	...	..	..	..	...	.	..	...	..			...	...	.	...	...	..	.	...	.	...	..	.	...		...	...	..		..	...	...	...	..	...	...
Total ...	2,168	1,356	127	736	1,471	535	.	356	1,082	512	.		..	...	..	...	...	...	1,741	28	6	23	11	11	2	10	173	47	107	.		2	1	2	...	70	10,806

JUDICIAL STATEMENT No. 8 (CIVIL).

Showing the number and value of suits instituted in the Civil Courts in Upper Burma for the year 1892.

Class of Court.	Number of suits instituted in the different Courts									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
										Rs. A. P.	
Township Courts	1,108	4,050	1,732	1,433	1	...	...	...	214	5,04,401 3 8	
Subdivisional tribunals	55	198	90	359	130	41	2	2	30	3,46,000 4 4	
Cantonment Judge	21	37	4	2	...	...	...	...	...	2,160 9 11	
Civil Court, Mandalay — Superior side	2	16	13	22	64	36	3	3	48	1,92,104 11 11	
Civil Court, Mandalay — Small Cause side ...	94	329	149	240	...	...	...	...	...	76,897 13 10	
Chief Courts of districts	...	6	...	17	6	6	...	...	3	17,664 6 0	
Commissioner's Court	...	...	...	...	...	...	...	...	...	...	
Total ...	1,280	4,636	1,988	2,073	201	83	5	5	295	11,30,238 1 8	

JUDICIAL STATEMENT NO. 9 (CIVIL).

Showing the general result of the trial of civil suits in the Courts of original jurisdiction in Upper Burma for the year 1892.

Part I.—Civil Suits.

Class of tribunal.	Total number of suits before the Courts.	Number of suits disposed of: Transferred to Courts in other provinces	Without trial	Without contest: Compromised.	Decreed on confession.	Decreed ex parte	Dismissed ex parte.	On reference to arbitration: For plaintiff	For defendant	With contest: Judgment for plaintiff in whole or in part.	Judgment for defendant.	Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits: Contested.	Uncontested.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Unpaid tribunals	..	..			...	...	...	...	..		..	...	...	..	.	
Township Courts	6,825	51	1,235	1,318	1,120	800	271	86	25	2,436	1,165	343	2	18	12	
Subdivisional tribunals	954	16	121	98	105	101	7	16	4	261	164	64	3	28	16	
Cantonment Judge .	65	..	5	4	19	6	5	..		17	9	..	...	10	8	
Civil Court Mandalay — Superior side	433		58	19	34	48	1		...	34	45	24	6	68	43	
Civil Court Mandalay — Small Cause side .	878		127	65	115	349	..	.		103	64	52	17	20	22	
Chief Courts of districts ...	98	5	3	6	4	5	1			11	7	1	.	30	14	
Commissioners' Courts		..			.				.	...	.	.	..		...	
Total .	10,977	50	1,529	1,513	1,397	1,309	285	112	29	2,862	1,454	484	28	20	14	

JUDICIAL STATEMENT NO. 10 (CIVIL).

Showing the business of the Civil Appellate Courts in Upper Burma for the year 1892.

Part I.—Appeals from Decrees.

Class of Court.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard exparte.				Contested.				Pending.	Of those pending for more than three months.	Average duration of appeals.	Objections under section 561 of Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Appellate Courts other than Chief Courts of districts	2	...	...	...	1	...	...	...	...	...	...	...	1	...	1	...	
Chief Appellate Courts of districts	567	...	...	4	27	2	7	3	290	45	138	3	48	6	28	...	
Courts of Subdivisional tribunals	9	...	...	...	...	...	...	...	2	...	4	...	3	...	58	...	
Total ...	578	...	...	4	28	2	7	3	292	45	142	3	52	6	28	...	

Statement No. 10 (Civil), Part II, for the year 1892—Blank.

JUDICIAL STATEMENT No. 11 (CIVIL).

Showing the result of proceedings on application for the execution of the decrees of the Civil Courts in Upper Burma for the year 1892.

Class of tribunal.	Total number of applications for the execution of decrees before the Courts.	Applications disposed of: By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.	Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realized: With the issue of process.	Without the issue of process.	Number of applications: On which the judgment-debtor was imprisoned.	On which the judgment-debtor was released without imprisonment.	On which moveable property: Was sold.	Was attached, but subsequently released.	On which immoveable property: Was sold.	Was dealt with under section 305, 322, or 326, Act XIV of 1882.	Was attached, but subsequently released under section 276.	On which possession was given: Of moveables.	Of immoveables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
								Rs. A. P.	Rs. A. P.													
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	..	...	...	...	...	...	
Township Courts	1,418	64	822	235	214	147	14	56,113 3 5	959 6 0		...	131	506	78	13	182	7	86	7	...	47	
Subdivisional tribunals ...	333	32	163	71	63	37	2	44,582 2 2	1,646 5 0	...	..	37	73	28	8	40	3	29	1	3	5	
Cantonment Judge	24	..	13	5	6	...	...	1,037 9 9	65 0 0	..	...	4	2	...	.	.	...	4	8	...	...	
Civil Court of Mandalay. Superior side.	202	18	62	79	28	13	...	48,906 11 11	..	5	6	25	12	41	...	14	25	8	..	..	5	
Civil Court of Mandalay. Small Cause side.	251	39	100	58	60	15	...	7,001 13 9	...	6	7	65	13	.	...		47	...	...	...	31	
Chief Courts of districts ...	35	4	21	7	5	2	—	6,355 2 6	393 14 6	.	...	7	18	2	.	1	1	...	...	...	...	
Total ...	2,263	157	1,180	455	405	214	16	1,63,896 11 6	3,064 10 0	11	13	267	624	159	16	237	83	127	16	3	88	

Statement showing the total value in litigation and costs for all classes of Civil Cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in Upper Burma for the year 1892.

Classes of Courts.	Original.								Percentage of total costs to total value.	Appeals.							
			Costs of cases.									Costs of cases.					
	Total number of cases.	Total value of cases.	Total amount of court-fees including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocate's fees.	Total amount of fees for commissions and other miscellaneous charges.	Total (columns 4, 6, 7, and 8).		Total number of cases.	Total value of cases.	Total amount of court-fees including process-fees.	Total amount of process-fees.	Total amount of diet money paid to witnesses.	Total amount of advocate's fees.	Total amount of fees for commissions and other miscellaneous charges.	Total (columns 13, 15, 16, and 17).
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
District Court.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Northern.																	
Mandalay	346	92,519 8 2	2,017 0 0	387 8 0	70 0 0	227 2 6	.....	2,384 2 6	10·58	18	2,692 0 0	271 10 0	14 0 0	.....	75 0 0	.....	346 10 0
Bhamo	196	9,202 10 7	1,251 4 0	174 8 0	59 12 0	.....	3 0 0	1,324 0 0	14·38	4	337 6 0	27 0 0	1 0 0	.....	.....	.....	27 0 0
Katha	415	44,706 5 0	3,970 3 0	528 0 0	154 0 0	.....	1 0 0	4,135 3 0	9·22	5	1,380 8 0	98 8 0	8 0 0	.....	.....	23 10 0	122 2 0
Ruby Mines ...	124	10,812 14 10	928 0 0	138 0 0	94 0 0	.....	.....	1,022 0 0	9·45	4	363 0 0	34 8 0	6 0 0	.....	.....	.....	34 8 0
Shwebo	392	30,166 0 2	2,759 13 0	383 8 0	68 4 0	240 0 0	.....	3,068 1 0	10·17	15	3,819 15 5	314 2 0	30 0 0	.....	.....	.....	314 2 0
Civil Judge ...	1,035	3,02,304 1 11	19,087 5 0	1,526 0 0	559 0 0	13,681 2 6	1,035 8 4	34,312 15 10	11·36	...	.....	.....	.....	.....	.....	.....	.....
Central.																	
Ye-u	131	6,946 2 4	702 3 0	114 0 0	64 8 0	75 0 0	6 0 0	847 11 0	12·20	6	700 8 0	67 4 0	14 0 0	.....	20 0 0	.....	87 4 0
Sagaing	509	43,318 13 10	4,310 9 0	679 8 0	191 8 0	1,607 3 0	90 7 0	6,199 11 0	14·31	34	18,592 11 9	1,144 2 0	314 0 0	1 8 0	1,331 9 0	56 12 0	2,533 15 0
Lower Chindwin ...	535	42,571 5 10	4,597 3 0	735 0 0	405 10 0	1,136 12 9	12 0 0	6,151 9 9	14·45	22	3,549 11 9	316 14 0	96 0 0	.....	150 10 9	20 0 0	487 8 9
Upper Chindwin ...	388	26,460 1 0	2,610 5 0	379 0 0	196 0 0	20 0 0	.....	2,826 5 0	10·67	12	1,500 1 3	140 8 0	20 0 0	.....	.....	.....	140 8 0
Southern.																	
Myingyan	1,063	1,16,932 13 4	9,684 13 0	1,620 8 0	598 8 0	3,446 12 0	12 0 0	13,742 1 0	11·75	94	14,940 0 4	1,401 6 0	280 0 0	69 15 8	473 0 0	.....	1,944 5 8
Pakôkku	899	73,048 10 6	8,182 2 0	1,090 0 0	446 10 0	1,140 0 0	8 0 0	9,776 12 0	13·38	39	7,868 0 3	801 10 0	136 0 0	.....	445 0 0	.....	1,246 10 0
Minbu	705	80,668 8 0	8,421 5 0	1,214 0 0	726 14 0	1,714 0 1	650 9 0	11,518 12 1	14·27	83	12,168 4 0	1,171 14 0	204 0 0	8 0 0	1,105 0 0	283 12 0	2,868 10 0
Magwe	863	52,218 3 3	5,499 15 0	1,110 8 0	389 4 0	1,063 13 6	29 0 0	6,982 0 6	13·37	25	13,150 11 6	699 8 0	118 0 0	.....	797 8 0	.....	1,497 0 0
Eastern.																	
Kyauksè	422	27,657 2 8	2,727 6 0	489 0 0	265 15 11	711 8 0	.....	3,704 13 11	13·39	25	4,619 8 0	708 4 0	66 0 0	.....	240 15 1	.....	949 3 1
Meiktila	836	51,996 2 0	5,266 12 0	686 0 0	157 2 0	767 2 0	335 8 0	6,516 8 0	12·54	26	4,766 1 0	520 14 0	111 0 0	9 0 0	295 8 0	44 0 0	869 6 0
Yamèthin	955	96,013 10 0	12,797 7 0	1,186 8 0	715 3 6	3,747 4 0	245 0 0	17,504 14 6	18·23	58	14,369 13 4	973 2 0	195 0 0	14 4 0	658 4 0	211 10 0	1,857 4 0
Pyinmana	709	95,675 3 7	8,715 3 5	1,257 8 0	355 1 6	2,461 15 0	.....	11,532 3 11	12·05	48	9,771 7 6	879 5 0	131 1 0	.....	304 7 6	11 8 0	1,326 4 6
Commissioner, Eastern Division.	..	.....	.....	.....	.....	.....	.....	.....	...	7	2,933 3 5	86 8 0	20 0 0	.....	.....	.....	86 8 0
Total ...	10,513	11,33,165 5 0	1,09,488 12 5	13,[illegible] 0 0	5,517 4 11	32,109 11 4	2,418 0 4	1,43,533 13 0	12·66	526	1,17,711 15 6	9,656 15 0	1,514 1 0	102 11 8	6,096 14 4	651 4 0	16,597 13 0

Statement showing the total value in litigation and costs for all classes of Civil Cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in Upper Burma for the year 1892—concluded.

Classes of Courts.	Percentage of total costs to total value.	Execution of Decrees. Total number of cases.	Total value of cases.	Costs of cases. Total amount of court-fees, including process-fees.	Total amount of process-fees.	Total amount of diet-money paid.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total (columns 22, 24, 25, and 26).	Percentage of total cost to total value.	Miscellaneous. Total number of cases.	Total value of cases.	Costs of cases. Total amount of court-fees, including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total columns 31, 33, 34, and 35).	Percentage of total costs to total value.
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
District Court.	Rs.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs.
Northern. Mandalay ...	13·02	75	12,407 5 10	240 6 0	118 0 0	2 0 0	...	.....	242 6 0	1·95	...	...	.....	...	.....	...	...	...	...
Northern. Bhamo ...	8·00	14	21,517 5 0	44 0 0	34 0 0	...	...	.....	44 0 0	·20	...	...	.....	...	.....	...	...	...	...
Northern. Katha ...	8·84	44	9,560 2 6	106 8 0	77 8 0	...	...	4 1 0	110 9 0	1·15	...	...	.....	...	.....	...	...	...	...
Northern. Ruby Mines ...	9·50	42	5,598 5 0	101 0 0	80 0 0	...	...	.....	101 0 0	1·80	...	...	.....	...	.....	...	...	...	...
Northern. Shwebo ...	8·22	90	12,039 15 8	231 0 0	199 8 0	...	...	.....	231 0 0	1·91	...	...	.....	...	.....	...	...	...	...
Northern. Civil ...	...	425	2,74,065 9 3	680 13 0	332 0 0	0 12 0	...	.....	681 9 0	·02	...	...	.....	...	.....	...	...	...	...
Central. Ye-u ...	12·45	15	2,248 15 3	38 8 0	31 0 0	...	...	.....	38 8 0	1·71	...	...	.....	...	.....	...	...	...	...
Central. Sagaing ...	13·62	92	17,938 4 3	294 8 0	224 0 0	1 8 0	...	0 1 0	296 1 0	1·65	...	...	.....	...	.....	...	...	...	...
Central. Lower Chindwin ...	13·73	42	3,817 12 4	174 9 0	108 7 0	1 2 0	...	.....	175 11 0	4·60	...	...	.....	...	.....	...	...	...	...
Central. Upper Chindwin ...	9·36	36	3,002 11 10	86 8 0	67 0 0	...	...	8 4 0	94 12 0	3·15	...	...	.....	...	.....	...	...	...	...
Southern. Myingyan ...	13·01	205	47,694 3 6	614 8 0	485 0 0	...	5 0 0	.....	619 8 0	1·29	...	...	.....	...	.....	...	...	...	...
Southern. Pakôkku ...	15·80	140	9,061 14 3	488 8 0	251 4 0	2 0 0	20 0 0	17 1 7	527 9 7	5·82	...	...	.....	...	.....	...	...	...	...
Southern. Minbu ...	21·10	113	14,940 7 11	366 15 0	259 12 0	3 10 0	...	20 8 0	391 1 0	2·61	...	...	.....	...	.....	...	...	...	...
Southern. Magwe ...	11·38	132	17,813 13 10	410 8 0	291 8 0	60 0 0	67 8 0	26 0 0	564 0 0	3·16	...	...	.....	...	.....	...	...	...	...
Eastern. Kyanksè ...	19·69	44	5,077 0 6	191 12 0	103 0 0	1 2 0	...	3 0 0	195 14 0	3·86	...	...	.....	...	.....	...	...	...	...
Eastern. Meiktila ...	18·24	190	21,419 3 6	522 4 0	401 0 0	...	10 0 0	7 0 0	539 4 0	2·51	...	...	.....	...	.....	...	...	...	...
Eastern. Yamèthin ...	12·92	196	26,809 0 0	593 0 0	410 0 0	302 0 0	...	45 0 0	940 0 0	3·50	...	...	.....	...	.....	...	...	...	...
Eastern. Pyinmana ...	14·27	154	30,991 0 11	397 0 0	310 0 0	...	...	.....	307 0 0	1·28	...	...	.....	...	.....	...	...	...	...
Eastern. Commissioner, Eastern Division.	2·94	...	.....	...	...	...	...	.....	.....	...	...	...	.....	...	.....	...	...	...	...
Total ...	14·02	2,049	5,36,058 3 4	5,582 3 0	3,782 15 0	374 2 0	102 8 0	130 15 7	6,189 12 7	1·15	...	...	.....	...	.....	...	...	...	...

G. B. C. P. O.—No. 2919, B. S., 4-8-93—330.